

Good morning everyone!

## **BLOOD FEUD PHENOMENON TODAY**

Today we are here to talk about the phenomenon of blood feuds, a plague that is still present in Albania today. **What is a blood feud?**

According to Kanun, an ancient medieval code widespread in Albania, vendetta (hakmarrja) is a violent reaction to an injustice suffered, that is not necessarily proportionate to the harm suffered. If vendetta took the form of murder, this could trigger a blood feud (gjakmarrja). The Albanian word gjakmarrja is made up of the words gjak (blood) and marrja (taking) and literally means the taking of blood. Over the centuries the practice of gjakmarrja was extended to include the male relatives of the murderer. This produced long chains of killings between feuding clans, based on the law of retaliation. According to the ancient Kanun, blood feud applied only among men over 15. Children under 15 and women were not involved. In the face of dishonour, vendetta was not the only solution offered by the Kanun. A dishonoured man could also choose to forgive the clan that had dishonoured him. And at that time forgiveness was a honourable choice for a farther reconciliation, which could be achieved through mediation. Mediators were – and are even today somehow – community and/or religious figures whose moral authority enabled them to lead the mediation, influencing the views and behaviour of the feuding parties. If feuding clans decide to forgive an offence, a reconciliation ceremony closes the mediation process. Blood feud, forgiveness and reconciliation constituted a justice system which regulated relations between native people and families in mountain and rural areas. In this type of society, the injured party declared vendetta as punishment for what it had suffered and to act as a deterrent against criminal actions.

During centuries, blood feuds live different times of revival or abandonment. But even though there were fewer instances of vendetta, traditional principles by which village communities were regulated remained in place. When Communism fell in 1991, Albania was in a precarious and uncertain position. Investment in economic recovery was insufficient and basic services were not guaranteed. In 1997 the attempts at economic recovery ended in dramatic collapse. The population reacted by attacking the government's weapons depots in an attempt to take back what they had lost, and civil war broke out. The precarious situation and power vacuum led to the resurgence of blood feud as a traditional value to replace crumbling modernization values. While blood feud to some extent continued to regulate public order in the absence of an effective justice system, it also acquired new meaning. Blood feud was no longer just a

means of resolving disputes: in fact, the meaning of the blood feud began to change and its purpose to expand. It now started to be used in another way, due to many factors: **1. the distribution of the land**, after the end of the communist collectivism, led to a fight to re-establish private property; the result was an explosion in disputes. **2. The institutional vacuum**: in the 90s the instability of the State and its laws led to weak institutions and high levels of corruption in the public administration, even in the judiciary. In many cases, the vendetta became synonymous with private justice when State justice failed. **3. Low level of education**, that led to inadequate and insufficient education in respect for the rules of democracy, particularly in the new suburban communities. Inhabitants can no longer apply traditional rules of social control and find hard to adapt to the rules of a democratic State. **4. Demography and geography**: in the 90s the population moved from the mountains into the towns and suburban areas, spreading traditional ways of thinking; isolation of some mountain areas maintained strong traditions and resistance to the assimilation of new ideas. **5. Current social culture**. In the 90s weak economic development, internal migration from rural areas to the suburbs and low education levels in many cases created the conditions for maintaining a culture based on family, patriarchy and machismo. This led to clan culture behaviours, where the family is the nucleus of the patriarchal community and therefore its blood ties. Decisions are made on family basis, honour is often more important than life and social pressure determines the behaviour of the individual and the belonging clan.

A vendetta could turn into a blood feud mainly for the inability to manage constructively emotions and for social pressure. Social pressure is the influence by the social environment of the victim's family (neighbours, relations, school and/or work mates, etc.). Since in the current cultural environment vendetta is more common than forgiveness and reconciliation, social pressure is negative since it can affect the decision to seek vendetta.

## **GEOGRAPHICAL AND NUMERICAL DISTRIBUTION**

Now let's see some **data** about the blood feud phenomenon.

Operazione Colomba carries out a monitoring activity about data related to the blood feuds phenomenon in Albania by reading and analyzing articles published in the press – both national and foreign – on a daily basis. The cases are classified in a database, according to a subdivision between cases of vendetta and cases of blood feud.

**In 2018 the total number of cases is 137: 5 happened for blood feud and 132 for vendetta.** The average is 11 cases per month, with a peak of 18 cases in the month of February 2018.

The data collected in 2018 show a constant trend in the use of violence to approach disputes caused by different reasons, with an average of 11 cases per month of vengeance, throughout the national territory. The 5 cases attributable to the blood feud result as a consequence of vengeance acts previously committed, according to mechanism of retaliation, typical of private justice.

Map 1 shows the distribution of the blood feud cases on the Albanian territory occurred in 2018. Two happened in Tirana, one in Burrel and one in Shkodër. The fifth case, shown in diagram 2, is not present on the map since it occurred in Spain. It highlights the phenomenon of the so-called blood feud export, a phenomenon that involves the victims even when they are abroad. The highest number of cases of blood feuds is registered in Tirana.

Map 2 illustrates the cases of vendetta on the Albanian territory occurred in 2018. As you can see, the phenomenon is present throughout the country.

In the first 4 months of **2019** we count 13 cases of vendetta, luckily not always mortal cases, and 2 possible cases of blood feud, both happened in Tirana.

## **HUMAN RIGHTS VIOLATIONS**

As it is evident, blood feuds cause many serious **human rights violations**. First of all, they violate the **right to life, freedom and safety**, as enshrined in **article 3** of the Universal Declaration of Human Rights. Furthermore blood feuds affect also the **right of equality (art. 1)**, because the victims involved in feuds often suffer social exclusion, in particular referring to job opportunities. So blood feuds violate also the **right to work (art. 23) and education (art. 26)**, because the victims involved in feuds often lose access to education and work – specific rights that need a positive obligation to be fulfilled by national institutions.

As consequences of authorities and institutions' behaviour (sometimes linked to cases of corruption or just negligence), it is violated also the **equality before the law (art. 7)** – that happens when the punishment for a criminal record is not certain. On a second level, it is violated also the right to privacy, whenever authorities or media make improper use of personal data of victims involved in a vendetta.

Finally blood feud phenomenon could affect the **right of asylum (art. 14)**. Requests for international protection suited by Albanian abroad are mainly because of vendetta, domestic violence, discrimination against minorities, human trafficking and financial and health problems. It is not always easy to ascertain whether applicants are truly caught up in a vendetta. In some cases there is a real need to leave Albania for this reason but since murders

and injuries are not reported or well recorded, requests can be rejected for lack of proof. In other cases, the need to emigrate is caused by different conditions, but asylum seekers submit fake certificates of being involved in a vendetta to increase their possibilities to obtain asylum. So European international protection procedures have been tightened, to the detriment of those who truly are victims of a vendetta. Two victims of cases of rejection are Mario Majollari and Indrit Pepa, killed respectively on 10<sup>th</sup> April and on 6<sup>th</sup> September 2018. After Sweden refused international protection, Majollari has been killed in Tirana as retaliation for a murder committed by his father. Indrit Pepa, after the denial of international protection by Germany, has been killed as revenge for a wounding committed by himself in 2013. In these cases unfortunately Albanian institutions failed to protect two people, that became victims of the blood feud phenomenon.

### **INSTITUTIONAL INTERVENTIONS AGAINST BLOOD FEUDS**

But luckily, since the **last UPR cycle in 2014**, some steps forward have been taken by the institutions to tackle the blood feud phenomenon. In that occasion Sweden, Germany, United Kingdom, Italy, Turkey, Saudi Arabia and Congo expressed their concern about the blood feud phenomenon. So in 2014 the Human Rights Council recommended that Albania set up a blood feud database and create a coordinating council to fight against the phenomenon, as required under law 9389/2005.

In **March 2015** the Parliament passed a “**Resolution** to prevent blood feuds in Albania”, publicly admitting that they exist and declaring that it is the State’s duty to deal with and eradicate them. The Parliament urged the Coordinating Council for the Fight against Blood Feud to take measures to prevent the phenomenon and requested assistance in this from a number of State bodies: the Police, the Ministry of Education and Sport, the Ministry of Welfare and Youth, and from the public administration as a whole.

Even though law 9389/2005 has not been implemented, initial collaboration began in 2015 in Shkodra, promoted by the OSCE (Organization for Security and Cooperation in Europe) and the Ombudsman People’s Advocate, involving different local government bodies and civil society. Meetings were organized in March, April and September but unfortunately they have not been followed up. In **November 2016** the Albanian Interior Ministry promoted a national campaign to raise awareness that might have had an indirect impact on blood feuds. Entitled **Mos gjuaj, por duaj! (Don’t Shoot, but Love!)**, the campaign against the illegal holding of firearms could have helped to reduce the number of cases in which a dispute can easily degenerate into a killing.

Unfortunately the campaign did not obtain the desired results and the weapons handed over to the police were only a tiny proportion of those that Albanian citizens are assumed to hold.

With regard to the **right of access to education**, in **September 2017** Shkodra regional education authority released an order to collaborate and provide information on children in self-isolation, since investigations at local schools had so far failed to identify any child in this condition. Moreover, a primary home schooling programme is available, thus apparently ensuring access to primary education.

Concerning the **direct protection of victims**, unfortunately police investigations have not always produced the desired results. There are certainly virtuous cases of police monitoring, when a murder occurs, to supervise and prevent possible future vendettas, but it is not always the routine, like in the Majollari and Pepa cases. Another example is the murder of a 70-year old man and his 17-year old granddaughter on 14 June 2012 for a blood feud, which has yet to lead to justice being done. The ensuing feud has continued with another attempted murder. If the State cannot provide justice, forms of private justice may re-emerge.

Legal action taken by the Albanian State to toughen penalties does not always produce tangible results when applied. The victim's family, which doesn't take part to the criminal proceedings, is often overlooked. Instead focusing only to prosecute the culprits, **to focus on the victims** in the Albanian context of family revenge is essential to reduce tensions between clans involved and so to avoid other blood feuds.

Thank you for your attention.