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8 October 2010

ALB103570.E

Albania: Means by which reconciliation groups begin working on a case; records kept by such groups to document their work; steps normally taken by groups to resolve blood feuds; success rates of reconciliation committees; reasons why groups abandon their resolution efforts; whether attestation letters about blood feuds can be purchased; status of the law on mediation and its effectiveness in resolving blood feuds

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

How reconciliation groups begin working on cases

In 15 September 2010 correspondence with the Research Directorate, a history professor and department chair at Indiana University-Purdue University Fort Wayne (IPFW) who has researched and published extensively on Albania, stated that there are three main ways in which the reconciliation of blood feuds is initiated: First, a reconciliation group may go to a region that has problems with blood feuds and hold a meeting to explain their role, describe available options and generate interest (Professor 15 Sept. 2010). Second, the reconciliation group may contact members of feuding families who they believe are trustworthy to see if they would be interested in working with them (ibid.). Third, individuals involved in blood feuds may approach a reconciliation group and ask for their assistance (ibid.). The Professor noted that the process is often secretive because it is risky (ibid.).

In 10 and 15 September 2010 correspondence with the Research Directorate, a sociology and anthropology research associate at Colgate University, who is also an honorary research fellow at the Department of Peace Studies at University of Bradford, who has published research about Albania and served as a paid expert witness in blood-feud-related asylum claims (in the United Kingdom), stated that blood-feud reconciliation is often attempted by appealing to local elders, but when that fails, female relatives, because not targets of the feud, will often approach larger reconciliation groups such as the Committee of Nationwide Reconciliation (CNR). Both the Professor and Research Associate indicated that it was unlikely that working with reconciliation groups involved filling out an application form (Professor 15 Sept. 2010; Research Associate 15 Sept. 2010).

In 22 September 2010 correspondence with the Research Directorate, an honorary research fellow of the Department of Social Sciences, Roehampton University, who conducts anthropological research on blood feuds in Albania, stated that the family who feels threatened, or their intermediaries, initiate mediation by asking for help from reconciliation groups. The Honorary Research

Fellow also said that reconciliation groups may initiate the investigation of feuds and their possible intervention based on local intelligence.

In 13 September 2010 correspondence with the Research Directorate, the Chairman of the CNR stated that his group has representatives in all districts of Albania, and that they investigate the possibility of mediation once they receive information about a conflict or a request for mediation. According to the Chairman, in conflicts caused by a murder, mediation starts once someone from the victim's side guarantees that they will receive the missionaries who volunteer as mediators (CNR 13 Sept. 2010). He stated that the request for reconciliation cannot begin until 40 days after the victim has been buried and that, although cases vary, reconciliation is typically started several months or a year from the day of the murder (ibid.). He indicated that requests for reconciliation are made by relatives of the killer's family or missionaries working closely with the conflicted parties (ibid.).

In 24 September 2010 correspondence with the Research Directorate, the Executive Director of the Albanian Foundation for "Conflict Resolution and Reconciliation of Disputes" (AFCR), a Tirana-based non-governmental organization (NGO) that was founded in 1995 (AFCR n.d.) and handles 8 to 10 blood-feud cases annually, stated that his organization begins working on cases by gathering information on the conflict through media sources, interested parties and voluntary mediators from the conflict area. Cases are then assigned to the Mediation Center Coordinator, who, in turn, contacts the centre's voluntary mediators (AFCR 24 Sept. 2010). Together, they gather the information about the conflict and the persons involved (AFCR 24 Sept. 2010).

Records kept by reconciliation groups

Three academic sources indicate that records kept by reconciliation groups vary since there are no established standards (Professor 15 Sept. 2010; Research Associate 15 Sept. 2010; Honorary Research Fellow 22 Sept. 2010). According to the Professor at IPFW, some groups keep extensive records but these are largely kept confidential (Professor 15 Sept. 2010). The Professor indicated that such records would include information about the feud, its origins, names of people killed, principal representatives on both sides, an evaluation of the reconciliation group's efforts and contact information (ibid.). The Honorary Research Fellow at Roehampton University stated that records ranged from handwritten notes to written documents that include signatures of "local state representatives and dignitaries" (Honorary Research Fellow 22 Sept. 2010). The Research Associate at Colgate University said that reconciliation groups that maintain offices are more likely to keep records, and expressed the opinion that record keeping has improved in recent years among the major reconciliation groups (Research Associate 15 Sept. 2010). She named the CNR and Caritas as two reconciliation groups that are "systematic" and "competent" at keeping records (ibid.). A senior research fellow at St. Chad's College, Durham University, who is a specialist on blood feuds in Albania and Kosovo, stated that since 1992, most reconciliation groups have been keeping written records of their cases; prior to 1992, records were essentially the oral recollections of older family members and witnesses (24 Sept. 2010).

According to the CNR Chairman, records on blood-feud cases kept by his group vary depending on the case (CNR 13 Sept. 2010). He stated that usually the notes are short, general and confidential (ibid.). The AFCR Executive Director indicated that his organization keeps two main documents for each case: a report

prepared by the mediator about meetings with the parties involved in the conflict, and, if reconciliation is achieved, a "mediation/reconciliation agreement" (AFCR 24 Sept. 2010).

Steps taken to resolve blood feuds

Several sources indicate that one of the first steps in blood-feud reconciliation is to approach family members of the victim (Research Associate 15 Sept. 2010; Professor 15 Sept. 2010; CNR 13 Sept. 2010). According to the Chairman of CNR, mediators contact the victim's relatives, such as uncles, or clan elders who are reputed to be tolerant and influential with the victim's relatives (ibid.). The Research Associate at Colgate University stated that the reconciliation group would either contact "the family to whom blood is owed" or use an intermediary to ensure that the family would agree to meet them (15 Sept. 2010). According to the Professor at IPFW, the process generally follows the same pattern: the reconciliation group works with a family member whom they trust, and, with the help of that person, tries to convince the male family members to agree to reconciliation (15 Sept. 2010). He stated that it is usually necessary for all family members to agree to reconciliation for it to occur (Professor 15 Sept. 2010). Once agreement is unanimous, the group prepares a reconciliation document that both families sign to indicate their agreement to stop the feud (ibid.). The Research Associate at Colgate University stated that there are several ways that a blood feud may end, including payment of money, agreement that the responsible party will move away, the offer of a daughter for marriage, or forgiveness without any compensation (10 Sept. 2010).

The Senior Research Fellow at St. Chad's College, Durham University, provided the following summary of the reconciliation process:

Once the process has been initiated by one of the families involved, a neutral intermediary - usually a respected elder - will approach the rival family in order to establish whether those who are "owed blood" are willing to participate in the negotiations. If the senior male members of the aggrieved family refuse to take part, then effectively the effort has failed and the feud must continue.

However, if both families are willing to participate in the mediation, then a meeting on neutral territory - often the home of an elder or a similar meeting place - is organized. During the negotiation period, there is usually a temporary truce sworn which permits the families "in blood" to leave their homes without fear of being attacked. ...

The aim of the mediation is to establish the facts of the feud and to seek a negotiated solution which is acceptable to both parties. Although there can be a financial settlement (such as paying compensation to the bereaved or offended family), it is the social context - the negotiations undertaken by respected elders or mediation organizations - which is vital to the process of ending the feud.

The "besë declaration" is the traditional means of ending a blood feud following a negotiated settlement. It satisfies the honour of both parties and thus ends the cycle of retribution. The actual "besë" is a solemn pledge made between the two families to end the blood feud. Unless both parties are willing to enter into negotiations, there is no prospect of achieving a "besë declaration" and the feud will continue indefinitely or until all eligible males have either been killed or have fled the country. (24 Sept. 2010)

The Honorary Research Fellow at Roehampton University provided the following summary of the steps reconciliation groups take to resolve blood feuds:

Reconciliation procedures are regarded as socially highly delicate and sensitive. It is therefore most important to "manage" social honour through appropriate discretion. For there to be any chances of success it is important to ensure that the social honour of those asked to forgive and withdraw from taking revenge is maintained and protected at all times. Compensation agreements can be very important but are also highly sensitive and usually not intended to be known beyond the immediately involved families. It is for reasons of social sensitivities that there might be a number of non-committing, preliminary and informal talks between mediators and the family, which is asked to forgive. Mediators interviewed emphasised the need for endless repeat visits, time and patience, and finding solutions that allow everyone to save face. They also underline that there is no chance of reconciliation if they cannot identify desire ("desire," "will") on all sides involved as reconciliation can never be forced. They also emphasise that they have to make sure to have everyone on board of both families involved, so that guarantees given by, say, the head of a household through his word of honour, are representative for each and every family member. Lastly, they highlight that there is never any guarantee that reconciliation will succeed, as it might be put at risk the moment someone (for example of the village community) publicly questions the social honour of those asked to forgive. (22 Sept. 2010)

The Executive Director of AFCR stated that his organization develops a "special strategy" for resolving each case, and then holds meetings with individuals or groups of individuals from each of the feuding families to get them to agree to send representatives from both families to a joint meeting (AFCR 24 Sept. 2010). He indicated that if reconciliation is reached, his group prepares a mediation/reconciliation agreement that is signed by the feuding parties, the mediator, and those at the reconciliation meeting (ibid.).

According to the Chairman of CNR, reconciliations can take anywhere from one year to a hundred years; if the parties cannot agree, 12 representatives from each side meet to discuss reconciliation (CNR 13 Sept. 2010). If reconciliation fails to materialize, his group will arrange additional meetings between the parties within a few weeks or a few months (ibid.). When the victim's family decides to "pardon" the other family, certain individuals are required to "guarantee" the pardon (ibid.). According to the Chairman of CNR, a reconciliation lunch is arranged that "gives an end to the blood feud and opens a new page in the relations between the two families" (ibid.). The Chairman stated that reconciliation must be achieved in accordance with "tradition" and that, after reconciliation, once-feuding families might marry into one another's family or male members might become blood brothers by drinking each other's blood (ibid.). The Chairman expressed the opinion that other reconciliation groups that use untraditional means of reconciliation are not successful (ibid.).

Two academic sources indicate that reconciliation groups are unlikely to completely abandon their efforts to reconcile a blood feud (Research Associate 15 Sept. 2010; Professor 15 Sept. 2010). The Research Associate at Colgate University indicated that even in those cases where the parties are unwilling to meet with a mediator, the reconciliation groups would continue trying, although sporadically, with the possible exception of cases where the "target" is granted asylum abroad (15 Sept. 2010). The Professor at IPFW stated that he is not aware of a reconciliation group ever saying that a feud is beyond reconciliation (15 Sept. 2010). The Executive Director of AFCR stated that upon request by the

parties involved in the conflict, his group provides attestation letters regarding the efforts made by the AFCR in unsuccessful cases (AFCR 24 Sept. 2010).

The Executive Director of AFCR indicated that his organization, through a network of mediators in the field, handles approximately 8 to 10 blood-feud cases annually, and each year is successful in approximately 6 to 8 cases (AFCR 24 Sept. 2010). The CNR Chairman provided the following statistics from his organization about the number of families that had entered into "enmities because of murders for honour, blood feud, and revenge" and the number of cases that had been reconciled: in 2007, there were 136 new cases and 44 cases were reconciled; in 2008, there were 109 cases and 32 cases were reconciled; in 2009, there were 113 cases and 29 cases were reconciled (CNR 2009). The CNR Chairman clarified that families can be said to be in "enmity" when they are "disposed to have a blood feud" and that, if not reconciled, these conflicts can lead to blood-feud killings (CNR 19 Sept. 2010). Two sources indicate that some reconciliation groups have been established to take advantage of available funding (ibid. 13 Sept. 2010; Honorary Research Fellow 22 Sept. 2010).

Purchase of attestation letters

Several sources indicate that it may be possible to purchase attestation letters about involvement in blood feuds in Albania (Research Associate 15 Sept. 2010; Professor 15 Sept. 2010; Honorary Research Fellow 22 Sept. 2010). The Honorary Research Fellow at Roehampton University stated that "endemic corruption" persists in Albania, making it impossible to rule out the possibility that such letters could be purchased (ibid.). The Professor at IPFW similarly noted that "almost anything can be bought or sold" in Albania, particularly documentation (15 Sept. 2010). He recalled hearing that the CNR has complained about the existence of false attestation letters (Professor 15 Sept. 2010). However, the Chairman of the CNR stated that it is "impossible" to buy an attestation letter from his organization because each is signed by the Chairman and identified by a unique code and protocol number (CNR 13 Sept. 2010).

Law on mediation

Sources report that the law on mediation-the Albanian Mediation Law (No. 9090), 26 June 2003-On the Dispute Resolution Through Mediation (Senior Research Fellow 24 Sept. 2010)- makes reconciliation of blood-feud cases legal (ibid. 24 Sept. 2010; CNR 13 Sept. 2010; AFCR 24 Sept. 2010). According to the Executive Director of AFCR, the law "provides for the resolution of a wide range of conflicts, such as civil, family and penal cases" (24 Sept. 2010). He stated that the law calls for parties to abide by the negotiated agreement (AFCR 24 Sept. 2010). The Senior Research Fellow at St. Chad's College stated the following about the mediation law:

The current policy of seeking negotiated settlements - which in practice means that those who may have carried out acts of violence, including premeditated murder, may not be prosecuted - goes a long way towards providing "legitimacy" for these traditional practices. The terms of a negotiated settlement might preclude the family of a victim from seeking justice, while some form of non-judicially approved compensation might be paid to resolve the feud.

In my view this laissez-faire attitude can hardly be considered an appropriate

form of law enforcement in 21st century Europe and is, in itself, a potential violation of the Albanian Penal Code. However, successive Albanian governments have continued to effectively legitimise the practice of blood feud mediation, rather than applying the criminal law. (24 Sept. 2010)

The Professor at IPFW stated that the mediation law has not been fully implemented (15 Sept. 2010). The Chairman of CNR expressed the opinion that the law does not contribute to the prevention of blood feuds (CNR 13 Sept. 2010). The Senior Research Fellow at St. Chad's College believes that the law does not improve the chances of reconciliation since it still requires both parties to be willing to negotiate (24 Sept. 2010).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

Albanian Foundation for "Conflict Resolution and Reconciliation of Disputes" (AFCR) [Tirana]. 24 September 2010. Correspondence with the Executive Director.

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Honorary Research Fellow, Department of Social Sciences, Roehampton University, London, United Kingdom. 22 September 2010. Correspondence.

Professor and Chair, Department of History, Indiana University-Purdue University Fort Wayne (IPFW). 15 September 2010. Correspondence.

Research Associate, Department of Sociology and Anthropology, Colgate University, Hamilton, New York (also Honorary Research Fellow, Research Unit in South East European Studies, Department of Peace Studies, University of Bradford, Yorkshire, United Kingdom). 15 September 2010. Correspondence.

_____. 10 September 2010. Correspondence.

Senior Research Fellow and Tutor, St. Chad's College, Durham University, United Kingdom. 24 September 2010. Correspondence.

Additional Sources Consulted

Oral sources: Attempts to contact officials at the Embassy of Albania in Ottawa and representatives of Caritas were unsuccessful within the time constraints of this Response. Three academic sources were unable to provide information.

Internet sources, including: Albanian Ministry of Interior, Albanian State Police, Balkan Insight, Council of Europe, Country of Return Information Project (CRI Project), European Country of Origin Information Network (ecoi.net), Factiva, Freedom House, Human Rights Watch, International Crisis Group, Legislationline, Office of the United Nations (UN) High Commissioner for Refugees (UNHCR)-Refworld, Transitions Online (TOL).

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