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Albania: Attestation letters for blood feuds; issuing organizations; how letters are issued, processed and stored; whether issuing organizations are recognized by the government; whether the Committee of Nationwide Reconciliation (CNR) has the full authority, approved by the government and recognized by international organizations and institutions, to verify the authenticity of blood feuds; fees for mediation services; issuance of false attestation letters

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1. Attestation Letters for Blood Feuds and Issuing Organizations

In a statement prepared by the Albanian Ministry of Interior for the Research Directorate, an official indicated that some non-governmental organizations (NGOs) in Albania have issued certificates [or attestation letters] to people involved in blood feuds, but these organizations do not have any "legal right" to issue such certificates (Albania 4 Jan. 2012). Similarly, in correspondence with the Research Directorate, the Executive Director of the Albanian Foundation for Conflict Resolution and Reconciliation of Disputes (AFCR), an Albanian NGO established in 1995 for the purpose of conflict resolution and the promotion of tolerance and understanding, stated that some NGOs have issued attestation letters about blood feuds, but that they do not have any official authority to act in this capacity (AFCR 16 Dec. 2011).

The official of the Albanian Ministry of Interior indicated that the police, prosecution office, and the courts are the state institutions that handle blood feud problems, and that the courts and prosecution office are the only agencies authorized by the government to issue certificates related to blood feuds (Albania 4 Jan. 2012). Without providing details, the official indicated that these certificates can be issued after authorities "evaluate whether a case requires further legal protection or not" (ibid.). In contrast to the official's statement, two NGOs active in blood-feud mediation indicated that, to their knowledge, there are no governmental agencies that issue attestation letters about blood feuds (AFCR 16 Dec. 2011; CNR 25 Nov. 2011). Further information about the issuance, processing and storage of these certificates by the courts and prosecution office could not be found among the sources consulted by the Research Directorate.

Regarding the role of NGOs in mediating blood feuds, the Ministry of Interior official explained that NGOs operate in accordance with the Constitution and the 1999 Law on Mediation (Albania 4 Jan. 2012). The official specifically listed the Committee of Nationwide Reconciliation (CNR), the Mission of Feuds Reconciliation, the League of Missionaries of Peace, the AFCR and the Center for Justice and Peace as organizations active in blood feud mediation (ibid.). However, in response to a question about whether any NGOs are approved by the government to verify the authenticity of blood feuds, he noted that NGOs "do not duplicate the powers of the [c]ourt and the [p]rosecution [o]ffice" (ibid.).

In contrast to the official, the Chairman of the CNR, in a correspondence with the Research Directorate, stated that the CNR is the "only organization recognized by the government and it has full authority, approved by the government to verify blood feuds and issue the attestation letters" (CNR 29 Nov. 2011). In correspondence with the Research Directorate, the chairman of the CNR provided a recommendation letter dated 29 September 2009, which states that the Albanian Ministry of Labor, Social Affairs and Equal Opportunities cooperates with the CNR and recommends "all local and international institutions" to contact the committee with regard to verification of

the families in blood feuds (Albania 29 Sept. 2009). The letter further describes the CNR as a [translation] "leading forum of the associations and missions of reconciliation" that [translation] "protects the rights of the families affected by ... blood feud[s] ... and certifies all the issues related to the families in blood feuds," and keeps in its archives documents related to the families in blood feuds (ibid.).

2. How Attestation Letters about Blood Feuds are Issued, Processed and Stored by the CNR

The Chairman of the CNR provided the following information on its procedures. The attestation letters are issued only after the verification of a blood feud and confirmation that it would be difficult to reconcile. The attestation letters are signed only by the chairman of the CNR, Mr. Gjin Marku. No one else is authorized to sign letters. The CNR creates a file for a particular blood feud, which includes a copy of the letter. The file may contain information on the situation that caused the blood feud, contact details of individuals involved in the blood feud and notes on reconciliation attempts. All the files are stored in accordance with the Albanian Data Protection Act, in the main office of the CNR in Tirana (CNR 30 Nov. 2011).

3. Fees for Mediation Services

According to the report of the United Nations (UN) special rapporteur, reconciliations are performed by NGOs on a "voluntary basis," and they receive payment only for their expenses (UN 14 Mar. 2011, 6). Although "payment to mediators is not prohibited ... some interlocutors expressed concern that monetary incentives may be involved, with negative consequences" (ibid.). A study on Albanian blood feuds published in *Anthropological Notebooks* [the official journal of the Slovenian Anthropological Society (n.d.)] also notes that, in some cases, a mediator is a member of the *pleqni* (Council of Elders), which is a paid position (Mustafa and Young 2008, 101).

4. Purchase of False Attestation Letters

Various sources report that some NGOs have issued false documents about blood feuds (Albania 2 Dec. 2011; AFCR 16 Dec. 2011; Belgium 29 Nov. 2011, 4-8; *Balkan Insight* 5 Dec. 2011; ibid. 27 Oct. 2011; Kohajone.com n.d). In response to an increase in blood-feud related asylum claims in Belgium in September and October of 2011, the head of Belgium's Asylum and Migration Department reportedly claimed that behind the individual asylum seekers "is an entire organisation, networks that provide documents and fake papers in exchange for huge amounts of money" (qtd. in AFP 18 Oct. 2011). According to the Balkan Investigative Reporting Network's publication *Balkan Insight*, the Belgian official met with Albanian authorities to warn them about possible criminal networks (27 Oct. 2011).

Balkan Insight found that some NGOs that claim to work for blood feud reconciliation "routinely sell families documents and certificates saying they could become victims of a fatal vendetta if they do not receive asylum ...," even in cases in which no feud or murder exists (*Balkan Insight* 27 Oct. 2011). The reporter, who went undercover looking to buy a false attestation letter about involvement in a blood feud, was initially offered a certificate by Fran Nikolli, the general secretary of Mother Teresa's Missionaries for Peace, who created a fictitious story about a family targeting the journalist for revenge after an uncle, who was alleged to be a migrant worker in Greece, fatally shot a family member in response to a car accident (ibid.).

Nikolli offered to sell such a certificate to the journalist for 250 Euros [343.338 Canadian dollars (CAD) (XE 29 Nov. 2011a)], while he claimed that, if the story had been "real," the price would have been 150 Euros [206.003 CAD (XE 29 Nov. 2011b)] (*Balkan Insight* 27 Oct. 2011). Moreover, Nikolli said that his organization had released approximately 220 similar certificates in August and September of 2011 (ibid.). However, according to the reporter, Nikolli backed out of issuing the certificate after the Albanian police began investigating his organization (ibid.). Gjin Mekshi, chair of the Shkodra-based "Nationwide Reconciliation Mission, 'Mother Teresa'," also offered to sell the journalist a similar document about the same "imaginary crime" for 200 Euros [274.771 CAD (XE 29 Nov. 2011c)] (*Balkan Insight* 27 Oct. 2011).

Further, sources indicate that two local officials, the head of the town of Postriba and the mayor of Koplik, were indicted for issuing fake certificates about blood feuds (*Balkan Insight* 27 Oct. 2011; Balkan Web 24 Oct. 2011). A police representative reportedly stated that the officials "had no legal framework on which to issue such documents and in most cases they are fakes, because the people who received them were not involved in any conflict or vendetta" (*Balkan Insight* 27 Oct. 2011).

A report by the Office of the Commissioner General for Refugees and Stateless Persons (Commissariat général aux réfugiés et aux apatrides) in Belgium cites information from the Albanian State Police report to the effect that the Association of Peace Reconciliation Missionaries of Albania had also issued fraudulent attestation letters to people who were not involved in any blood feuds (Belgium 29 Nov. 2011, 7).

The Albanian news agency KojaJone.com, *Balkan Insight* and the Albanian State Police report on police investigations into the activities of Gjin Marku, the chairman of the CNR, and Pashko Popaj, a member of the Association of Missionaries of Peace and Reconciliation of Blood Feuds, in issuing false documents about blood feuds (Albania 2 Dec. 2011; *Balkan Insight* 5 Dec. 2011; KojaJone.com n.d.). The Executive Director of AFCR stated that the CNR also has issued false attestation letters and that state authorities have initiated penal proceedings against the organization (AFCR 16 Dec. 2011). According to the KojaJone.com,

[translation]

[t]he State Police declared that the two individuals are suspected of using their official positions to issue forged certificates to different people with the aim of applying and obtaining unfair asylum in some countries of Europe, thus committing the offense of falsification of documents. Police sources said that according to verifications and the information gathered by the Financial Crime Directorate at the Department of Organized and Serious Crimes of the State Police in cooperation with police counterparts showed that 55 year-old Gjin Marku, and Pashko Popaj issued forged certificates without legal basis to some citizens who do not appear to be in enmity or vengeance. Citizens were issued certificates in order to seek asylum in Belgium. ... Following investigations conducted by police, it was discovered that Mr. Marku and Mr. Popaj issued forged certificates by making use of their official positions. Thus, the police sent materials against both individuals to the prosecutor for further investigation. (KojaJone.com n.d.)

Similarly, the Albanian state-police press release indicates that the Financial Crime Directorate at the Department of Organized and Serious Crime of the State Police provided materials to the Prosecution Office against Gjin Marku and Pashko

Popaj (Albania 2 Dec. 2011). Both individuals were reportedly suspected [translation] "of using their official position ... to issue forged certificates to different people with the aim of applying and obtaining unfair asylum in some countries of Europe, thus committing the offense of forgery of documents according to article 186 of the Penal Code" (ibid.). According to the Criminal Code, the punishment for issuing falsified documents in an official capacity is imprisonment for up to seven years and a fine ranging from 200,000 lek [1881.06 CAD (XE 17 Jan. 2012a)] to two million lek [18793.44 CAD (XE 17 Jan. 2012b)] (Albania 2004, Art. 186).

In addition, the Office of the Commissioner General for Refugees and Stateless Persons in Belgium, in a report about falsified documents in Albania, notes that the Albanian television program "Fiks Fare," during a 27 October 2011 presentation, showed the president of the Peace Missionaries Union Albania, Pashko Toma, while being filmed with a hidden camera, accepting money for signing and stamping a document that was written by an "undercover" journalist (Belgium 29 Nov. 2011, 6). The president "explained to the journalist that he issues similar attestation letters to Albanians from all over the country and that his secretary knows what to do when she writes these kinds of documents" (ibid.).

The same television program showed Gjin Marku, also being filmed with a hidden camera, accepting 300 Euros [392.144 CAD (XE 12 Jan. 2012)] in exchange for the issuance of an attestation letter and the creation of a "vendetta" file for a woman he met for the first time (Belgium 29 Nov. 2011, 6). According to the report,

[translation]

[s]he said that the documents were to be used by her brother to seek asylum in Great Britain. The documents were written without the Committee of Nationwide Reconciliation verifying the facts or acting as a mediator in this case. ... Gjin Marku explained to the woman that her brother must say during a hearing that he has proof that he is still in danger. ... The woman explained that actually the family [was] not involved in any vendetta, [but] Gjin Marku told her not to worry about it.... (ibid.)

However, in correspondence with the Research Directorate, the Chairman of the CNR denied the allegations, claiming that they were part of a "political setup" (9 Jan. 2012). Regarding the incident with the hidden camera, in a statement by the CNR, which was signed by the Vice-chairman of the CNR, the Chairman of the National Assembly of the Reconciliation Missionaries and the Secretary and Vice-chairman of the Assembly, and which the Chairman of the CNR provided to the Research Directorate, the authors maintain that the money was charged by the CNR to "cover logistics cost" and the certificate was issued based on the urgency of the case and the lack of time for verification in accordance with the CNR regulations (CNR 9 Jan. 2012). In earlier correspondence to the Research Directorate, the Chairman claimed that CNR representatives do not receive any money for their reconciliation efforts from families in blood feuds, but that families sometimes pay their travel expenses or accommodations (ibid. 4 Dec. 2011).

Regarding falsified documents, in 22 November 2011 correspondence to the Research Directorate, the Chairman of the CNR warned that there have been several cases in which his signature has been forged and that he has advised international agencies to verify the authenticity of attestation letters directly with the CNR (ibid. 22 Nov. 2011).

The CNR claims that there are about 83 so-called "reconciliation associations" such as "League of missionaries of peace and national reconciliation, Mother Teresa Mission of Reconciliation, The Institute of Justice and National Reconciliation, House of Justice and Peace, House of Reconciliation and Peace, etc." (ibid. Oct. 2011, 33). According to the CNR, some of those organizations have issued false attestation letters (ibid.).

The Albanian Ministry of Interior has reportedly established a task force to address the problem of counterfeit documents about blood feuds used by asylum seekers (Sot.com 19 Dec. 2011). Both the Albanian police director (AFP 18 Oct. 2011; Belgium 29 Nov. 2011, 4) and the Minister of Interior (Sot.com 19 Dec. 2011) have vowed to prosecute those who prepare such counterfeit documents (ibid.).

According to the report of the Office of the Commissioner General for Refugees and Stateless Persons in Belgium, [translation] "considering ... the extent of corruption in Albania, it is impossible to be sure about the level of corruption of certain organizations. As a consequence, the attempt of examining the authenticity of an attestation letter can not be conclusive" (Belgium 29 Nov. 2011, 5). The report also notes that although some organizations have issued fake attestation letters, [translation] "it does not mean that all attestation letters issued by those organizations contain false information" (ibid.).

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

Agence France-Presse (AFP). 18 October 2011. "Foul Play Behind Surge in Albanian Asylum Seekers: Belgium." (Factiva)

Albania. 4 January 2012. Ministry of Interior. "Protocol Number 101: Reply to the Immigration and Refugee Board." Translated by the Translation Bureau, Public Works and Government Services Canada. Document sent to the Research Directorate through correspondence.

_____. 2 December 2011. Albanian State Police. "Materials Passed on to the Prosecution Office Against Gjin Marku, Chairman of the Committee of Blood Feuds Reconciliation and Pashko Popaj." Translated by the Translation Bureau, Public Works and Government Services Canada.
<http://www.asp.gov.al/index.php?option=com_content&view=article&id=1708%3Areferohen-materiallet-ne-prokurori-ne-ngarikim-te-gjin-markut-kryetar-i-ko>
[Accessed 9 Jan. 2012]

_____. 29 September 2009. Ministry of Labour, Social Affairs and Equal Opportunities. "Recommendation: No. 1716 of Protocol." Translated by the Translation Bureau, Public Works and Government Services Canada. Document sent to the Research Directorate through correspondence by a representative of the Committee of Nationwide Reconciliation (CNR).

_____. 2004. High Inspectorate of Declaration and Audit of Assets. Law No. 7895, Criminal Code of the Republic of Albania. <<http://www.hidaa.gov.al/english/laws/penal%20code.pdf>> [Accessed 9 Jan. 2012]

Albanian Foundation for Conflict Resolution (AFCR). 16 December 2011. Correspondence from a representative to the Research Directorate.

Balkan Insight. 5 December 2011. Besar Likmeta. "Albanians Charged Over Fake Asylum Claims." <<http://www.balkaninsight.com/en/article/albanian-ngo-officials-charged-with-selling-fake-documents>> [Accessed 23 Jan. 2012]

_____. 27 October 2011. Elvis Nabolli. "Blood Feuds Sold as Tickets to Belgian Promised Land." <<http://www.balkaninsight.com/en/article/blood-feuds-sold-as-tickets-to-belgian-promised-land>> [Accessed 4 Nov. 2011]

Balkan Web. 24 October 2011. "Shkodra, Two Heads of Municipalities Handcuffed for Issuing Forged Certificates of Enmity." Translated by the Translation Bureau, Public Works and Government Services Canada. <http://www.balkanweb.com/bw_lajme2.php?IDNotizia=72692&NomeCategoria=s> [Accessed 6 Dec. 2011]

Belgium. 29 November 2011. Commissariat général aux réfugiés et aux apatrides "Albanie: Corruption et documents faux ou falsifiés." Document sent to the Research Directorate through correspondence.

Committee of Nationwide Reconciliation (CNR), Albania. 9 January 2012. Correspondence from a representative to the Research Directorate.

_____. 4 December 2011. Correspondence from a representative to the Research Directorate.

_____. 30 November 2011. Correspondence from a representative to the Research Directorate.

_____. 29 November 2011. Correspondence from a representative to the Research Directorate.

_____. 25 November 2011. Correspondence from a representative to the Research Directorate.

_____. 22 November 2011. Correspondence from a representative to the Research Directorate.

_____. October 2011. Pashk Lleshi. "Lets Spread the Reconciliation Culture as Mother Teresa Love." *Law and Life*. No.4. Document sent to the Research Directorate through correspondence.

KojaJone.com. N.d. Klodiana Kotorri. "Forged Asylum Certificates Spur Investigation of Feud Conciliators." Translated by the Translation Bureau, Public Works and Government Services Canada. <<http://www.kohajone.com/zarticle.php?id=60694>> [Accessed 5 Dec. 2011]

Mustafa, Mentor, and Antonia Young. 2008. "Feud Narratives: Contemporary Deployment of Kanun in Shala Valley, Northern Albania." *Anthropological Notebooks*. Vol. 14, No. 2. <http://www.drustvo-antropologov.si/AN/PDF/2008_2/Anthropological_Notebooks_XIV_2_Mustafa.pdf> [Accessed 28 Nov. 2011]

Slovenian Anthropological Society. N.d. "About the Journal" <http://www.drustvo-antropologov.si/anthropological_notebooks_eng.html> [Accessed 26 Jan. 2012]

Sot.com. 19 December 2011. "Nishani: Illicit Blood Feud, Asylum Seekers' Document Issuers to be Prosecuted." <http://www.sot.com.al/english/index.php?option=com_content&view=article&id=12388:nishani-illicit-blood-feud-asylum-seekers-document-issuers-to-be-prosecuted&catid=79:politike&Itemid=466> [Accessed 21 Dec. 2011]

United Nations (UN). 14 March 2011. Philip Alston. *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*. <<http://www.ohchr.org/EN/countries/ENACARRegion/Pages/ALIndex.aspx>> [Accessed 16 Nov. 2011]

XE. 17 January 2012a. "Currency Converter Widget." <<http://www.xe.com/ucc/convert/?Amount=200000&From=ALL&To=CAD>> [Accessed 17 Jan. 2012]

_____. 17 January 2012b. "Currency Converter Widget." <<http://www.xe.com/ucc/convert/?Amount=2000000&From=ALL&To=CAD>> [Accessed 17 Jan. 2012]

_____. 12 January 2012. "Currency Converter Widget." <<http://www.xe.com/ucc/convert/?Amount=300&From=EUR&To=CAD>> [Accessed 12 Jan. 2012]

_____. 29 November 2011a. "Currency Converter Widget." <<http://www.xe.com/ucc/convert/?Amount=250&From=EUR&To=CAD>> [Accessed 29 Nov. 2011]

_____. 29 November 2011b. "Currency Converter Widget." <<http://www.xe.com/ucc/convert/?Amount=150&From=EUR&To=CAD>> [Accessed 29 Nov. 2011]

_____. 29 November 2011c. "Currency Converter Widget." <<http://www.xe.com/ucc/convert/?Amount=200&From=EUR&To=CAD>> [Accessed 29 Nov. 2011]

Additional Sources Consulted

Oral sources: Attempts to contact representatives of the Albanian Helsinki Committee, Albanian Police, Office des étrangers, Belgium, professors (Albanian Mediterranean University, Durham University, John Jay College of Criminal Justice, New York University School of Law, Sabanci University, Turkey, University College London, University of Toronto), United Nations Special Rapporteur, were unsuccessful.

Internet sites, including: Albanian Helsinki Committee; Albanian Police; *Albanian Times*; Albanian New Agency; Albanian National News Agency; Amnesty International; Comité de liaison pour la solidarité avec l'Europe de l'Est; Ebsco electronic journals service; *Europe-Asia Studies*; International Crisis Group; Hellenic Resources Network; *Jane's Intelligence Review*; *Journal of Refugee Studies*; *Law and Life*; Office des étrangers, Belgium; Open Society Institute; PRI's the World; Radio Free Europe/Radio Liberty; *Tirana Times*; Transitions Online; United Nations — Office of the High Commissioner for Human Rights.