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Immigration and
Refugee Board of Canada

Commission de l'immigration
et du statut de réfugié du Canada

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1. Historical Overview

Blood feuds [also known as *gyakmarrja*, *gyakmarrya*, *gjakmarrya*, and *gjakmarrja*] are part of a centuries-old tradition in [Kosovo](#) (Partners Kosova n.d.a; Spiegel 7 Nov. 2012). They trace back to the Dukagjin code [also known as the Kanun or Code] (Partners Kosova 13 Sept. 2013; Professor 18 Sept. 2013; Malcolm 1998, 17), a set of customary laws dating back to at least the fifteenth Century (*ibid.*). According to the Kanun, if a man's honour is deeply affronted, his family has the right to kill the person who insulted him (IMIR 2004, 2; Malcolm 1998, 18-20). However, after such a killing, the victim's family can avenge the death by targeting male members of the killer's family, possibly setting off a pattern of reprisal killings between the families (IMIR 2004, 2; Malcolm 1998, 20).

In the 1990s Anton Çetta, a professor at the University of Pristina, led a large-scale reconciliation movement to end blood feuds in [Kosovo](#) (IMIR 2004, 10; Malcolm 1998, 20). Sources indicate that one of the motivations for ending blood feuds was to unite ethnic Albanians in resistance against the Serbs (IMIR 2004, 10; Clark 2000, 64). Sources report that approximately 1,200 blood feuds were reconciled during this time (IMIR 2004, 10; [Kosovo](#) 13 Sept. 2013). Sources also say that only a few cases remained opened (Clark 2000, 63; [Kosovo](#) 13 Sept. 2013). In correspondence with the Research Directorate, [Kosovo](#)'s Ombudsperson stated that less than 10 cases remained unresolved after this movement (ibid.).

2. Prevalence of Blood Feuds

Sources indicate that blood feuds are more common in rural areas of [Kosovo](#) (Partners Kosova 13 Sept. 2013; [Kosovo](#) 13 Sept. 2013; Professor 18 Sept. 2013). However, in a telephone interview with the Research Directorate, a professor of History at Indiana University-Purdue University Fort Wayne (IPFW), who researches and writes about Albanian culture and history, including blood feuds in Albania and [Kosovo](#), noted that blood feuds may occur anywhere in [Kosovo](#), including urban areas, particularly since people move around a lot (ibid.). Blood feuds reportedly occur more frequently in the western regions of [Kosovo](#) (Partners Kosova 13 Sept. 2013; Professor 18 Sept. 2013). They are reportedly more prevalent in the municipalities of Pejë, Deçan (ibid.; [Kosovo](#) 13 Sept. 2013), Viti and Mitrovica (ibid.). Blood feuds are reportedly not a tradition among non-Albanian ethnic groups in [Kosovo](#) and are not known to occur in an inter-ethnic setting ([Kosovo](#) 13 Sept. 2013; Partners Kosova 13 Sept. 2013; Professor 18 Sept. 2013).

Statistics on blood feuds during 2010-2013 could not be found among the sources consulted by the Research Directorate. The Professor said that, to his knowledge, neither the government nor other organizations keep statistics about blood feuds in [Kosovo](#) (Professor 18 Sept. 2013). He was aware of at least 10 cases of blood feuds between 2010 and 2013, but also indicated that some of these may have traced back to murders committed in earlier years (ibid.). He noted that because there are no statistics, it is hard to know the full extent of the blood feud problem (ibid.). Basing his knowledge on media reports, he expressed the opinion that blood feuds have increased "a bit" in the last few years (ibid.).

In contrast, both the Ombudsperson and Partners Kosova expressed the opinion that there has not been an increase in the number of blood feuds ([Kosovo](#) 12 Sept. 2013; Partners Kosova 12 Sept. 2013). The Mediation Manager at Partners Kosova Centre for Conflict Management, a Pristina-based NGO that mediates blood feuds and other disputes (Partners Kosova n.d.b), noted that since the end of the war in 1999, "some" cases of blood feuds have emerged (13 Sept. 2013). He said that blood feuds are "not a large-scale problem," but that there are still a few cases each year (Partners Kosova 13 Sept. 2013). He was aware of "maybe 2-3 cases" of blood feuds between 2010 and 2013 (ibid.).

The Professor provided his perspective on societal issues affecting blood feuds as follows:

Since [Kosovo](#)'s independence in 2008, the rule of law has deteriorated to some degree and with the slow withdrawal of the internationals, public order capacity has been reduced. The level of corruption in [Kosovo](#) tends to be increasing. When the state is weaker and people lose faith in traditional law enforcement, problems such as blood feuds are likely to increase. The poor economic conditions and high rate of unemployment are also factors that exasperate the situation. (18 Sept. 2013)

The Ombudsperson said that the "absence of appropriate institutional set up" and a "lack of real justice" are factors contributing to the existence of blood feuds ([Kosovo](#) 13 Sept. 2013).

3. Causes

According to Noel Malcolm's book [Kosovo: A Short History](#), some of the traditional ways of dishonouring a man that can trigger blood feuds, as outlined in the Kanun, include calling him a liar in front of other men, insulting his wife, taking his weapons or violating his hospitality (Malcolm 1998, 18).

Sources indicate that current triggers to blood feuds in [Kosovo](#) include: property disputes ([Kosovo](#) 13 Sept. 2013; Partners Kosova 13 Sept. 2013; Professor 18 Sept. 2013); moral disputes ([Kosovo](#) 13 Sept. 2013); and issues related to family honour (Partners Kosova 13 Sept. 2013). The Professor explained that reasons for starting a blood feud are predicated on the concept of honour, which for Albanians "can be even more important than life" (18 Sept. 2013). Similar to the traditional Kanun, he cited "insulting someone's wife," and "accusing someone of being a liar in front of others" as examples of incidents that could spark a blood feud (Professor 18 Sept. 2013).

4. Rules of Blood Feuds

The rules surrounding blood feuds dictate that it is forbidden to kill someone in their home, so some men become isolated in their homes in order to avoid the danger (IMIR 2004, 2; Clark 2000, 60). Partners Kosova reports that male members of a targeted family "are often forced to remain at home out of fear, which hinders everyday life and can lead to economic hardship for the family" (Partners Kosova n.d.a). The same source cites an example in which over 40 people from both families involved in a blood feud were severely limited in their ability to work, socialize or function normally due to the threat of violence (ibid.). In its 2010 annual report, the Ombudsperson Institution reports of a case it received in which the complainant's nine children were unable to attend school because of their family's involvement in a blood feud ([Kosovo](#) 2011, 76). The 2011 annual report notes that families were still isolated because of blood feuds in "several areas of the country" ([Kosovo](#) 2012b, 27).

Blood feuds can be suspended temporarily if the victim's family grants the killer's family a besa, a vow of security for a set length of time (IMIR 2004, 12; Partners Kosova 13 Sept. 2013). The Mediation Manager at Partners Kosova described the term besa as a "word of honour" that is "the strongest promise an Albanian can make" (ibid.). He explained that the timeframe of a besa can vary from a set number of hours to weeks or months, and ensures that the family will not be harmed during that time (ibid.). Similarly, the Sofia-based International Centre for Minority Studies and Intercultural Relations (IMIR) said that a besa can guarantee safety for anywhere between one week and six months (IMIR 2004, 12). Once the duration of the besa is over, the male family members can remain safe only by staying inside their home until another besa is secured (ibid., 2, 12).

5. Mediation

Blood feud reconciliation often involves mediation through a third party, such as an elder (Partners Kosova 13 Sept. 2013; Professor 18 Sept. 2013; IMIR 2004, 11-12). IMIR indicates that the role of a conciliator is often passed down from father to son in families, and that many are professors and intellectuals (ibid.). The conciliator visits both families, often several times, in order to reach an agreement to end the bloodshed (ibid., 12). Blood feuds may also be mediated by other outsiders or NGOs (Professor 18 Sept. 2013; Partners Kosova n.d.b). Partners Kosova utilizes both modern and traditional mediation methods when trying to reconcile blood feuds (ibid.). The Mediation Manager, who said that their organization's methods are almost always successful, explained the mediation of blood feuds as follows:

Blood feuds can be mediated in different ways and the resolution depends on the families. There are two main types of mediation - modern and traditional. In modern mediation, both families are visited and the case is discussed and the mediator tries to reach an agreement that the bloodshed does not go further. Traditional mediation may also be used. Each village has a village reconciliation council of elders who will sit together to discuss the problem and try to approach a

solution. Sometimes the reconciliation efforts involve the Imam, mayor or other community members, who ask the victim's family to forgive the other family. The outcome depends on the family. Some families immediately indicate that they do not want revenge, while others take a long time to reconcile. The community does not support blood feuds and tries to mediate to stop the violence. (Partners Kosova 13 Sept. 2013)

The Ombudsperson's Institution mediated two blood feud cases between 2010 and 2013 from the municipalities of Ferizaj and Vitia, but noted that its decisions do not have "executive power" and that the parties must decide for themselves on reconciliation and responsibilities ([Kosovo](#) 13 Sept. 2013).

6. Legislation

Sources state that there is no legislation that specifically addresses the issue of blood feuds ([Kosovo](#) 13 Sept. 2013; Partners Kosova 13 Sept. 2013; Professor 13 Sept. 2013). However, the Ombudsperson explained that the practice of blood feuds is "implicitly forbidden by the Constitution and legislation in force in [Kosovo](#)" and noted that law enforcement authorities are obliged to provide protection to individuals who are threatened ([Kosovo](#) 13 Sept. 2013). He further stated that "[b]lood feud, as a deed, is banned by law. No one is entitled to take justice into his/her hands" ([Kosovo](#) 13 Sept. 2013).

Article 178 of [Kosovo](#)'s criminal code prescribes a minimum punishment of 5 years imprisonment for murder, and Article 179 prescribes a minimum punishment of 10 years for "aggravated murder," which includes murder that "deprives another person of his or her life because of unscrupulous revenge" (2012a, Art. 178-179). In correspondence with the Research Directorate, the spokesperson for the Organization for Security and Cooperation in Europe (OSCE)'s mission in [Kosovo](#) said blood feud- motivated crimes are not listed as separate offenses in the criminal code, but the blood feud motive is considered an aggravating circumstance when courts determine the punishment (OSCE 16 Sept. 2013).

In terms of death threats, Article 185(2) states:

Whoever seriously threatens by words, acts or gestures to deprive another person of his or her life, to inflict grave bodily harm, to kidnap or deprive another person of his or her liberty or to inflict harm by fire, explosion or any other dangerous means shall be punished by a fine or by imprisonment of up to one (1) year. ([Kosovo](#) 2012a, Art. 185(2))

Article 186 (1) of the criminal code addresses harassment as follows:

Whoever engages in a pattern of repeated and unwanted attention or communication with the intent to harass, intimidate, injure, damage property or kill another person or his or her children, family, relatives or pets or whoever places another under surveillance with the intent to harass, intimidate, injure, damage property or kill another person or his or her children, family, relatives or pets; and in the course thereof, places that person in reasonable fear of death, grievous bodily injury, serious damage to property or substantial emotional distress shall be punished by a fine or imprisonment up to three (3) years. ([Kosovo](#) 2012b, Art. 186)

7. State Protection

The spokesperson for the OSCE mission in [Kosovo](#) said that there are no institutions that deal with the issue of blood feuds (16 Sept. 2013). Similarly, both the Professor and the Mediation Manager at Partners Kosova said that they are unaware of any state programs or special protection for people involved in blood feuds (Partner Kosova 13 Sept. 2013; Professor 18 Sept. 2013).

The Ombudsperson indicated that in the two cases reported to its institution between 2010 and 2013, state authorities did not "react properly and in compliance with the law" ([Kosovo](#) 13 Sept.

2013). In particular, threats from victims' families to perpetrators' families "are not taken seriously and accordingly" (ibid.).

The Mediation Manager said that someone who feels threatened by a blood feud can go to the police, and that the police may patrol the area more frequently, but that there is no protective custody and the police are unable to guard people "24 hours" a day (Partners Kosova 13 Sept. 2013). The Professor said that the police generally have a "fairly good reputation," but often do not want to get involved in blood feuds "due to personal safety issues" (18 Sept. 2013). He expressed the opinion that when people are in isolation because of a blood feud, the police are not "particularly effective in providing protection or preventing further violence" (Professor 18 Sept. 2013). However, he noted that the police may take action "once violence occurs" and knows of cases in which suspects were arrested for blood feud murders (ibid.). He said that the police "generally" treat blood feud murders the same way that they treat other murders (ibid.). The Mediation Manager at Partners Kosova expressed the opinion that blood-feud murders come under "greater scrutiny" than other murders in order to set an example (13 Sept. 2013).

The Mediation Manager said that blood feud murders are investigated and prosecuted, with sentences typically ranging from 15 to 25 years imprisonment (Partners Kosova 13 Sept. 2013). The European Union Rule of Law Mission in [Kosovo](#) (EULEX) reports of a 2004 blood feud murder case in which the verdict of 25 years imprisonment for two counts of murder was upheld on appeal in December 2012 by a mixed panel of two EULEX judges and three local judges (EU 19 Dec. 2012). The Professor noted that courts in [Kosovo](#) in general are "inefficient" (Professor 18 Sept. 2013). This information is corroborated by Freedom House, which notes that "case backlogs remain high, enforcement of judgements is weak, courts are not fully independent, and the judiciary and prosecutor's offices are understaffed" (Freedom House 2013).

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.

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Insider's View of EU Efforts in [Kosovo](#)." (Factiva)

Additional Sources Consulted

Oral sources: Attempts to contact the following representatives were unsuccessful: Balkan
Investigative Reporting Network; Embassy of [Kosovo](#) in Washington, DC; [Kosovo](#) Police;
academics at Tirana University and University of Pristina; UN Development Programme (UNDP).
Representatives of the Forum for Security and the EU Rule of Law Mission (EULEX) [Kosovo](#) and
two professors were unable to provide information.

Internet sites, including: Amnesty International; Balkan Investigative Reporting Network (BIRN);
ecoi.net; European Union - Rule of Law Mission in [Kosovo](#); Factiva; Forum for Security;
Freedom House; Human Rights Watch; International Federation for Human Rights; [Kosovo](#) -
Ministry of Internal Affairs, Police, Embassy of [Kosovo](#) in Washington, DC; [Kosovo](#) Law
Institute; legislationline.org; Radio Free Europe/Radio Liberty; South Eastern European Mediation
Forum; United Nations - Refworld, UN Development Programme (UNDP), UN Mission to
[Kosovo](#) (UNMIK), US Department of State Country Reports on Human Rights Practices.

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