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Georgia: Blood feuds, including prevalence, state protection, mediation and relocation (June 2012-May 2015)

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1. Historical Tradition of Blood Feuds

Sources indicate that some areas of Georgia have a history of blood feuds, an ancient custom in which the family members of a person killed seek revenge against the family of the killer (GDI 8 May 2015; Jalabadze 30 Sept. 2012, 7-8; Voell et al. 2014, 13-14). Sources report that the following mountainous locations in northern Georgia have a history of the tradition of blood feuds:

Svaneti (HRIDC 7 May 2015; National Geographic Oct. 2014; GDI 8 May 2015);

Khevsureti (Jalabadze 30 Sept. 2012, 7; Associate Professor 10 May 2015);

Tusheti (ibid.); and

Dusheti (GDI 8 May 2015).

According to a 2012 article about blood feuds in the Georgian lowlands by Natia Jalabadze, a senior research fellow at the Institute of History and Ethnology, Tbilisi State University, which was published in the *Caucasus Analytical Digest* [1], some changes can be observed in the practice of blood feuds since the Soviet regime (Jalabadze 30 Sept. 2012, 9). She explained that "the circle of those responsible for blood feud has narrowed down from male clan members to the close male relatives of the culprit," and "if the offended party has no close male relatives, who usually are responsible for carrying out the killing, the blood feud will be stopped" (ibid.).

For further information about the history and definition of the tradition of blood feuds in Georgia, see Response to Information Request GEO103668.

2. Prevalence and Statistics

According to National Geographic, in Svaneti, after the breakup of the Soviet Union, blood feuds returned, but, since 2004, have "virtually disappeared" (National Geographic Oct. 2014).

Similarly, in correspondence with the Research Directorate, a lawyer from Georgian Democracy Initiative (GDI), an independent NGO that aims to advance Georgia's "democratic development and Euro-Atlantic integration" (GDI n.d.), indicated that blood feuds are an ancient tradition that continued until the end of the 20th century, but that there have been no new cases reported in "recent years" (ibid. 8 May 2015).

In correspondence with the Research Directorate, an associate professor at the School of Law at Ilia State University in Tbilisi, Georgia, who is active in the field of human rights, said that blood feuds no longer exist in Georgia today, and, to his knowledge, no cases have been reported between 2010 and 2015 (Associate Professor 10 May 2015). In correspondence with the Research Directorate, a representative of the Human Rights Centre (HRIDC), a Georgia-based NGO dedicated to the protection and promotion of human rights (HRIDC n.d.), indicated that the organization has not heard of the existence of blood feuds in "modern times" (ibid. 7 May 2015).

However, according to Jalabadze's 2012 article, although "considerably transformed," blood feuds "continue to be practiced in the highlands, especially in Svaneti and Khevsureti" (Jalabadze 30 Sept. 2012, 7). The scholar's study, which focused on migrant communities in the lowland area of Kvemo Kartli, found that, although "not frequent," the blood feud practice is "preserved among Svans [2] and Khevsurs" who migrated to this area (ibid., 8). The author states:

Stories about blood feuds are present in every district populated by Svan migrants. As a rule, Svans practice feud only in relation with Svans. The change of the place of residence did not release the responsibility of blood revenge initiated in Svaneti between certain Svan families (clans) and it continued in Kvemo Kartli. (ibid.)

However, Jalabadze also notes that, while there is a "positive" attitude towards the tradition of blood feuds among Svans in the region of Kvemo Kartli, the "number of blood revenge cases has dropped considerably" in this region (ibid.).

According to a 2014 study on identity and traditional law in Svan villages in Kvemo Kartli, which was co-authored by Stéphane Voell, Natia Jalabadze, Lavrenti Janiashvili and Elke Kamm [3], there is "no official data on blood feuds in Kvemo Kartli," and "[e]ven informal information on contemporary cases of blood feud is lacking" (Voell et al. 2014, 13). The study further indicates that some Svan respondents said that there were "isolated incidents of blood feuds" that started in Svaneti and were transported to the lowlands, but that there was no "concrete evidence" of Svan blood feuds in the authors' research area of Kvemo Kartli (ibid.).

Information regarding specific incidents of blood feuds documented in Georgia between 2012 and May 2015 could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3. State Protection

The Georgian Criminal Code punishes premeditated murder with a term of imprisonment of between seven and fifteen years (Georgia 1999, Art. 108-109).

Several sources indicate that the state does not provide specific protection against blood feuds in Georgia (HRIDC 7 May 2015; GDI 8 May 2015; Associate Professor 10 May 2015). According to the lawyer from GDI, the Georgian Criminal Code previously included a special provision against blood feud in the 1960s, but that this is no longer part of the Criminal Code (GDI 8 May 2015). According to the same source, blood feuds are "treated as an average crime such as murder or injury" (ibid.).

4. Mediation and Relocation

Jalabadze indicates that in Svaneti, cases of "blood feud were regulated according to the traditional legal norms by mediators (morval), who mediated between the parties, made arrangements for their reconciliation, stated the penalties, organized fighting, and took care of other issues" (Jalabadze 30 Sept. 2012, 9). The same source indicates that some situations, such as burning down the house of a culprit or accidental murder, which were not traditionally considered to be mitigating factors, are now taken into consideration by mediators when resolving cases (ibid.).

According to National Geographic, there are a few remaining village mediators in Svaneti, who are called upon to "adjudicate disputes ranging from petty theft to long-running blood feuds" (National Geographic Oct. 2014). The article mentions one village mediator who negotiated "blood prices," usually of 20 cows for a murder, and "brought feuding families to a church and made them swear oaths on icons and baptize one another" to ensure that the families would not feud for 12 generations (ibid.). According to Jalabadze, reconciliation is usually achieved by paying money to the offended family rather than through the payment of cattle and land, and the traditional ceremony of reconciliation no longer takes place (Jalabadze 30 Sept. 2012, 9). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to Jalabadze's study, each Svan community in the Kvemo Kartli region has elders and the communities try to resolve their problems through their elders in the "old tradition" without the aid of the police (ibid., 8). She noted that Svan elders in this region know the traditional norms regarding blood feuds and are involved in the reconciliation process (ibid.). However, according to the study by Voell et al., elders and mediators in Svan villages in Kvemo Kartli "do not have sufficient power to impose their decisions upon the young" (Voell et al. 2014, 14). This study indicates that Kvemo Kartli "is controlled by the police and the administration, which impose state law and regulations effectively" (ibid., 17-18). However, Voell et al. noted that traditional law is "used more openly as an alternative form of order" in Svaneti, and is "in direct competition with state law and its administration" in Upper Svaneti (ibid., 18). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources indicate that there is no process of mediation for blood feuds offered by the state or local NGOs (HRIDC 7 May 2015; Associate Professor 10 May 2015; GDI 8 May 2015). According to the lawyer from GDI, the state does not provide any kind of specific services for individuals who face threats because of blood feuds, but if an individual were to approach the police under circumstances of a blood feud, the person "would be treated as an individual who faces a risk of death or possible injuries" (ibid.). According to the Associate Professor, the state does not offer relocation services for individuals who fear retaliation in the context of a blood feud, but people who feel threatened as a result of a blood feud may turn to the police for protection (Associate Professor 10 May 2015).

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.

Notes

[1] The article was published in the Caucasus Analytical Digest, a publication that analyzes the political, economic, and social situation in the three South Caucasus states of Armenia, Azerbaijan, and Georgia, and assesses their implications in a regional and international context (ETH Zurich n.d.). The publication is produced by the Centre for Security Studies (CSS) at the Swiss Federal Institute of Technology (ETH) Zurich, the Research Centre for East European Studies at the University of Bremen, the Institute for European, Russian and Eurasian Studies at George Washington University, and the German Association for East European Studies (DGO) (ibid.).

[2] According to a 2014 study on identity and traditional law in Svan villages in Kvemo Kartli, which was co-authored by Stéphane Voell, Natia Jalabadze, Lavrenti Janiashvili and Elke Kamm, the Svans are generally introduced as 'ethnic Georgians,' but they also present themselves as being both Svan and Georgian (Voell et al. 2014, 7). The study indicates that the Svans speak Georgian and their own non-written language, which is part of the same linguistic family as Georgian (ibid.). Svans usually live in Svaneti, a highland area in the Caucasus, but have also migrated to other parts of Georgia since the late 1980s, including the lowlands (ibid., 1, 2).

[3] Stéphane Voell is a lecturer at the Department of Cultural and Social Anthropology in Marburg, Germany and Elke Kamm is a PhD student at the same department; Natia Jalabadze is a research fellow and author of the 2012 Caucasus Analytical Digest article referred to in this Response; and Lavrenti Janiashvili is also a research fellow at the Institute of History and Ethnology, Tbilisi State University (Voell et al. 2014, 18-19).

References

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National Geographic. October 2014. Brook Larmer. "Svanetia." [Accessed 5 May 2015]

Swiss Federal Institute of Technology (ETH) Zurich. N.d. Center for Security Studies (CSS). "Caucasus Analytical Digest (CAD)." [Accessed 7 May 2015]

Voell, Stéphane, Natia Jalabadze, Lavrenti Janiashvili, and Elke Kamm. 2014. "Identity and Traditional Law: Local Legal Conceptions in Svan Villages, Georgia." [Accessed 08 May 2015]

Additional Sources Consulted

Oral sources: The following were unable to provide information for this Response: a professor of sociology at the State University of Tbilisi; European Centre for Minority Issues Caucasus; UNHCR Georgia.

Attempts to contact the following were unsuccessful within the time constraints of this Response: Georgia - Embassy in Ottawa, Ministry of Foreign Affairs, Ministry of Internal Affairs - Media Relations Division, Ministry of Internal Affairs - Security Police Department, Patrol Police Department, Parliament of Georgia, Prosecutor's Office, Tbilisi Patrol Police - Main Division; GYLA; Institute for War and Peace Reporting; Institute of Values; Liberty Institute; Open Society Georgia Foundation; People's Harmonious Development Society; a senior researcher at the Javakhishvili Institute for History and Ethnography.

Internet sites, including: AFP; Amnesty International; Australia Human Rights Commission; Austrian Centre for Country of Origin and Asylum Research; Caucasian Knot; Central Asia-Caucasus Analyst; Channell.ge; Danish Institute for Human Rights; Euractiv; Europa; European Centre for Minority Issues Caucasus; EurasiaNet; Factiva; Friends House Moscow; Former Soviet Union Monitor; German Federal Office for Migration and Refugees; Georgia - Public Defender's Office (Ombudsman); Georgian Bar Association, The Georgian Times; Georgian Young Lawyer's Association; The Guardian; Human Rights Quarterly; Human Rights Watch; Humanrights.ge; The Huffington Post; Interfax; International Civil Society Centre; Institute for War and Peace Reporting; International Crisis Group; Ireland - Refugee Documentation Centre; The Jamestown Foundation; Jane's Intelligence Review; Jane's Terrorism Watch Report; Journal of Refugee Studies; Kyiv Post; The Moscow Times; Norwegian Country of Origin Information Centre; Open Society Foundation - Georgia; Public Health Foundation of Georgia; Russia Today; SEESAC; South Caucasus Network of Human Rights Defenders; Swiss Refugee Council; Transitions Online; Transparency International Georgia; UK - Home Office; UN - RefWorld, UNHCR; US - Central Intelligence Agency, USAID Georgia; World Organisation Against Torture; Yandex.

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