



Home Office

Country Information and Guidance

Albania: Blood feuds

Version 2.0

6 July 2016

Preface

This document provides country of origin information (COI) and guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained within this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), dated July 2012.

Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please email [the Country Policy and Information Team](#).

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. IAGCI may be contacted at:

Independent Chief Inspector of Borders and Immigration,

5th Floor, Globe House, 89 Eccleston Square, London, SW1V 1PN.

Email: chiefinspectorukba@icinspector.gsi.gov.uk

Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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Guidance

Updated 6 July 2016

1. Introduction

1.1 Basis of Claim

- 1.1.1 Fear of persecution or serious harm due to the person's involvement in a 'blood feud'.

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1.2 Other Points to Note

- 1.2.1 Where a claim falls to be refused, it must be considered for certification under section 94 of the Nationality, Immigration and Asylum Act 2002 as Albania is listed as a designated state.

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2. Consideration of Issues

2.1 Credibility

- 2.1.1 For further guidance on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

- 2.1.2 Decision-makers must also check whether there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).

- 2.1.3 Decision-makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

- 2.1.4 As regards documentary evidence, the Upper Tribunal in the country guidance case of [EH \(Blood Feuds\) Albania CG \[2012\] UKUT 00348 \(IAC\) \(October 2012\)](#) found:

- Attestation letters from Albanian non-governmental organisations should not in general be regarded as reliable evidence of the existence of a feud (paragraph 74(h)).
- Documents originating from the Albanian courts, police or prosecution service, if genuine, may assist in establishing the existence of a blood feud at the date of the document relied upon, subject to the test of reliability set out in [A v Secretary of State for the Home Department \(Pakistan\) \[2002\] UKIAT 00439, \[2002\] Imm A R 318 \(Tanveer Ahmed\)](#) (paragraph 74(i)).
- Unless factual, prompt and consistent, Albanian press reports will add little or no evidential weight in considering whether a feud exists (paragraph 74(j)).

- 2.1.5 See also [Attestation letters for blood feuds](#) and [Purchase of False Attestation Letters](#).

- 2.1.6 Decision-makers must note that the British Embassy in Tirana is in a position to respond to queries from UK asylum decision-makers via a referral process. In cases where a person is not subject to state persecution (as would be the case in all 'blood feud' claims), local checks can verify details of the person and all Albanian court judgements can be verified through the Prosecutor General's office in Tirana (see [Identity checking and family tracing via the Albanian Authorities](#)).

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2.2 Exclusion

- 2.2.1 Decision-makers must also note that blood feuds are normally triggered by a murder or other serious offence carried out by the person or a member of their family. The person's involvement in any such crime should be carefully considered as evidence of serious criminality may mean they the person falls to be excluded under Article 1F of the Refugee Convention.
- 2.2.2 The Upper Tribunal in the country guidance case of [EH](#) (October 2012) also found that international protection under the Refugee Convention, Qualification Directive or Articles 2 and 3 ECHR is not available to a person who is willing and intends to commit a revenge killing on return to their country of origin, by reference to that intention (paragraph 74(d)).
- 2.2.3 For further guidance on the exclusion clauses, discretionary leave and restricted leave, see the [Asylum Instruction on Exclusion: Article 1F of the Refugee Convention](#), the [Asylum Instruction on Discretionary Leave](#) and the [Asylum Instruction on Restricted Leave](#).

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2.3 Particular social group

- 2.3.1 Victims of blood feuds in Albania form a particular social group (PSG) within the meaning of the 1951 UN Refugee Convention. This is because they share a common characteristic – their experience as a victim of a blood feud - that cannot be changed; and have a distinct identity which is perceived as being different by the surrounding society. This was confirmed in the country guidance case of [EH](#) (October 2012) (paragraph 62).
- 2.3.2 Although victims of blood feuds form a PSG, this does not mean that establishing such membership will be sufficient to make out a case to be recognised as a refugee. The question to be addressed in each case will be whether the particular person will face a real risk of persecution on account of their membership of such a group.
- 2.3.3 For further guidance on particular social groups, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.4 Assessment of risk

- 2.4.1 Statistics about the numbers of people affected by blood feuds vary greatly. However, after having considered all the available evidence in the country guidance case of [EH](#), the Upper Tribunal found that whilst there remained a number of active blood feuds in Albania, they are few and declining

(paragraph 74(a)). More recent information from the Foreign and Commonwealth Office is that the blood feud is a phenomenon in sharp decline in Albania, largely restricted to remote pockets in the mountain north of the country (see [Annex A3](#)) and another source has reported that in 2015 there was no harm to human life as a result of blood feuds (see [Statistics](#)).

2.4.2 The Upper Tribunal in [EH](#) set out the following factors which need to be considered when determining if an active blood feud exists (paragraph 74(f)):

- (i) the history of the alleged feud, including the notoriety of the original killings, the numbers killed, and the degree of commitment by the aggressor clan toward the prosecution of the feud;
- (ii) the length of time since the last death and [their] relationship to the [person];
- (iii) the ability of members of the aggressor clan to locate the [person] if returned to another part of Albania; and
- (iv) the past and likely future attitude of the police and other authorities towards the feud and the protection of the family of the person claiming to be at risk, including any past attempts to seek prosecution of members of the aggressor clan, or to seek protection from the Albanian authorities.

2.4.3 Decision-makers must pay particular attention to distinguish blood feud conflicts from other crimes. Albania media often portray some gang-related killings as blood feud killings, and criminals at times use the term to justify their crimes (see [Statistics](#)). The Upper Tribunal in [EH](#) found that in order to establish that there is an active blood feud affecting the person, he or she must establish:

- (i) his or her profile as a potential target of the feud identified and which family carried out the most recent killing; and
- (ii) whether the person has been, or other members of his/her family have been, or are currently, in self-confinement within Albania.

2.4.4 The Upper Tribunal in [EH](#) found that where there is an active feud affecting an individual and self-confinement is the only option, that person will normally qualify for Refugee status.

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2.5 Protection

2.5.1 The Upper Tribunal in [EH](#) noted that the Albanian state has taken steps to improve state protection (para 74(c)).

2.5.2 The steps taken to improve state protection include, notably:

- better policing;
- specific criminalisation of blood feuds and blood feud killings;
- the creation of specialised police units; and
- the establishment of a high-level coordination committee.

- 2.5.3 The Upper Tribunal in [EH](#) found that in areas where Kanun law predominates, particularly in northern Albania, those steps did not yet (as at October 2012) provide sufficiency of protection from Kanun-related blood-taking if an active feud exists and affects the claimant.
- 2.5.4 However more recent information provided by the British Embassy in Tirana is that Kanun law no longer predominates. A field visit by embassy staff in 2014 to Kukes, Lezhe and Shkoder found that these regions have established an active policing and prosecution service (see [Annex A2](#)).
- 2.5.5 Albania's current government, which came into office in September 2013, has further stepped up efforts to tackle blood feuds, including issuing revised instructions to local police services and further toughening sentences to offenders through amendments to the Albanian Criminal Code (see [State protection](#)).
- 2.5.6 Police and criminal justice system representatives monitor, record, and provide protection to affected families. The authorities also prosecute perpetrators. Municipalities, while facing budgetary constraints, offer social service support, home schooling and medical/psychiatric assistance to victims of blood feuds. Faith groups, especially the Catholic Church and local mosques, cooperate inter-denominationally in an effort to address the problem with work to support affected families, and reconcile conflicts (see [State protection](#)).
- 2.5.7 There are a number of non-governmental organisations in Albania which are active in blood feud mediation and can potentially assist the person to avail themselves of the protection of the state. Missionaries – village elders and other respected persons – are similarly also frequently approached to reconcile and resolve blood feuds in northern Albania (see [NGOs and Reconciliation Committees \(RCs\)](#)).
- 2.5.8 The onus is on the person to demonstrate why they believe they would be unable to access effective protection.
- 2.5.9 For further information on assessing the availability or not of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.6 Internal relocation

- 2.6.1 When considering internal relocation in [EH](#) (October 2012), the Upper Tribunal noted that Albania has a population of '[...] just over 3 million with a land mass of about 10,000 square miles, roughly 15 times the size of London, much of it mountains' (paragraph 69). The Upper Tribunal found that internal relocation to an area of Albania less dependent on the Kanun may provide sufficient protection, depending on the reach, influence and commitment to prosecution of the feud by the aggressor clan (para 74c).
- 2.6.2 The Upper Tribunal continued: 'Internal relocation will be effective to protect an appellant only where the risk does not extend beyond the appellant's local area and he is unlikely to be traced in the rest of Albania by the aggressor clan. A crucial factor in establishing whether internal relocation is a real possibility is the geographical and political reach of the aggressor clan: where that clan has government connections, locally or more widely, the

requirement to transfer civil registration to a new area, [...] would appear to obviate the possibility of “disappearing” in another part of the country, and would be likely to drive the male members of a victim clan to self-confinement in the home area as an alternative’ (paragraph 70). The reasonableness of internal relocation will always be dependant on the facts of the particular case.

2.6.3 The onus is on the person to demonstrate why they believe they would be unable to relocate to another town or city, such as Tirana, to mitigate any risk.

2.6.4 For further information on internal relocation, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.7 Certification

2.7.1 Where a claim falls to be refused, it is likely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.

2.7.2 For further information on certification, see the [Appeals Instruction on Certification of Protection and Human Rights claims under Section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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3. Policy Summary

3.1.1 Whilst there are still some active blood feuds in Albania – particularly in northern areas – they are few and in sharp decline. Decision-makers should pay particular attention to distinguish blood feud conflicts from other crimes.

3.1.2 Victims of the blood feud phenomenon form a particular social group within the meaning of the Refugee Convention because they share a common immutable characteristic.

3.1.3 The Albanian Government has made significant efforts in recent years to address the issue of blood feuds and has created legislative, organisational and operational processes to tackle the phenomenon.

3.1.4 In general, it is unlikely that a person would be able to establish a need for international protection as a consequence of a blood feud as state protection is generally available and internal relocation is also generally an option, but it is important to consider the particular circumstances of each individual on a case-by-case basis.

3.1.5 Where there is an active feud affecting a person, they are only likely to qualify for refugee status if the reach and influence of the opposing clan is so extensive that self-confinement is the only realistic option.

3.1.6 Decision-makers must also note that blood feuds are normally triggered by a murder or other serious offence carried out by the person or a member of their family. The person’s involvement in any such crime should be carefully considered as evidence of serious criminality may mean they the person falls to be excluded under Article 1F of the Refugee Convention.

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4. Overview

- 4.1.1 A UN Human Rights Council report, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Addendum: Preliminary note on the mission to Albania in a section headed 'What is a blood feud?', dated 20 May 2010, stated that:

'A blood feud generally begins with an argument, usually between two men whose families are neighbours or friends. The argument may have any cause: an accident, a perceived insult, a property ownership disagreement, a conflict over access to electricity, water or fuel, and so on. The argument escalates into a physical fight, and one man kills the other. The victim's family then feels that it is "owed blood" by the killer's family. This debt and the related loss of honour can only be satisfied by taking the life of a member of the killer's family.'¹

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5. The Code of Lek Dukagjin

- 5.1.1 The International Center for Minority Studies and Intercultural Relations (IMIR) in a report The Kanun in present-day Albania, Kosovo, and Montenegro, dated 2004, recorded that:

'The most common version of customary law among the Albanians is the Kanun of Lek Dukagjin. The Albanian Gëgs inhabiting the territories north of the Shkumbin River had lived for long centuries in large clans observing the code of the Kanun – a primitive constitution regulating not only their community life, but also their private lives. The norms were passed on from generation to generation by an oral tradition and were decreed by the council of elders. It is considered that the Code was rationalised by despot Lek III Dukagjin (1410 – 1481). This code was compiled throughout the centuries chiefly by adding new norms. It was [...] published as late as 1933. The text was systematised into 12 sections – "The Church", "The Family", "Marriage", "The House, Cattle, and Property", "Work", "Loans", "Pledge", "Honour", "Damages", "The Kanun against Harm", "The Kanun of Judgement", "Exemption and Exceptions".'²

- 5.1.2 The report continued:

¹ UN Human Rights Council. Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Addendum : Preliminary note on the mission to Albania, 20 May 2010, A/HRC/14/24/Add.9.

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.24.Add9.pdf>

Date accessed 14 January 2015

² International Centre for Minority Studies and Intercultural Relations (IMIR). The Kanun in present-day Albania, Kosovo, and Montenegro, 2004 http://kenner.kprdsb.ca/FOV1-000585DC/RThompson/The_Kanun.pdf Date accessed 14 January 2015

'In some of its sections, the Kanun included an elaborate legal code trying to regulate blood feud (gjakmarrya) [also known as gjakmarra, gjakmarrya, and gjakmarra] – a system of reciprocal “honour killings”.

'According to the Code, if a man is deeply affronted, his family has the right to kill the person who has insulted him. However, by doing this, the family will become a target for revenge on the part of the victim's family. The victim's closest male relative is obliged to kill the murderer of his family member. The pattern of reprisal killings thus formed has been passed on for generations of families [...] “Blood is never lost”, states the Kanun. The perpetrator is entitled to ask through the agency of a mediator – a well-respected member of the community, for a besa – a vow that no one would hurt him. Those who have not taken revenge, fall into social disgrace.

'The Code does not allow the murdering of women or children. The only place where blood should not be shed is the house of the marked victim. Because of the ruthlessness of blood feud, most of the houses in Northern Albania look like fortresses built of stone, with small apertures serving as windows. Even to date many Albanians shut themselves inside their houses where they remain isolated for life in order to escape from blood vengeance.

'Under the regime of Enver Hoxha, the Kanun in Albania was banned, but after 1991 it returned in a most brutal form not only in the North, but also in the South, and in the central parts.' ³

- 5.1.3 However a Foreign and Commonwealth Office (FCO) letter from the British Embassy Tirana, dated 12 June 2014 commented:

'Previous Country Information Guidance on blood feud in Albania cited a 2002 NGO report in which it was claimed that “most of the houses in Northern Albania look like fortresses built of stone, with small apertures serving as windows. Even to date many Albanians shut themselves inside their houses where they remain isolated for life in order to escape from blood vengeance”. This is simply not true. Embassy staff travel widely to all parts of Albania. Most towns in northern Albania are bustling provincial centres with no sign that “many Albanians shut themselves in for life”. The passage bears no relation to reality and is misleading. There remain a small number of such towers, but these are historical relics.' [See [Annex A\(2\)](#).]

- 5.1.4 A Foreign and Commonwealth Office (FCO) letter from the British Embassy Tirana, dated 17 February 2016 further commented:

'References to Kanun law are misleading bearing little relation to modern Albania. [...] Blood feud was stamped out during the regime of the dictator Enver Hoxha, when penalties for feuding families were harsh. But the collapse of the regime in the early 1990s, and the law enforcement vacuum left in remote areas of the north by the absence of a functioning state, left space for revenge killings to reassert themselves. But modern revenge

³ International Centre for Minority Studies and Intercultural Relations (IMIR). The Kanun in present-day Albania, Kosovo, and Montenegro, 2004 http://kenner.kprdsb.ca/FOV1-000585DC/RThompson/The_Kanun.pdf Date accessed 14 January 2015

killings appear to bear little resemblance to the codified, almost ceremonial aspects of “Kanun” based blood feud.’ [See [Annex A\(3\).](#)]

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6. Statistics

- 6.1.1 The UN Special Rapporteur on extrajudicial, summary or arbitrary executions, in a Preliminary note on the Mission to Albania (15–23 February 2010) stated that:

‘There are deep discrepancies in the statistics concerning blood feuds and related killings. At one extreme, media reports have referred to hundreds of blood feud killings per year and thousands of children living in isolation. At the other extreme, according to Government statistics, such killings fell steadily from 45 in 1998 to one in 2009, while the number of isolated children ranges from 36 to 57 countrywide, of which 29 to 45 are in Shkodra. The variation depended on whether the sources were police, education or ministry officials. Families in isolation were estimated to be from 124 and 133 countrywide.

‘The figures used by civil society groups also vary widely. One organization with extensive field operations notes that there have been significant reductions over the last five years and that there are currently only a few blood feud killings per year. They estimate not more than 350 families and between 80 and 100 children to be in isolation nationally. However, another prominent organization estimates some 9,800 blood feud killings since 1991, dropping to a figure still in excess of 30 in 2009. By its calculations, there are 1,450 families and 800 children in isolation.

‘My own carefully considered view is that the correct numbers are much closer to those provided by the Government, especially in relation to killings. The figures for isolation seem more likely to be an underestimation, but again, not by a large margin. This is not to say that the Government statistics are definitive. Their accuracy is qualified by inadequate data-gathering and recording techniques, and insufficient coordination. These problems were underscored by the inconsistency of various official figures provided to me. I am also not aware of any sustained Government effort to reconcile the competing statistics.

‘Four factors account for the discrepancies among the various figures: definitional differences; underreporting; limited coverage of issues; and incentives to overstate.’⁴

- 6.1.2 The follow up report of the UN Special Rapporteur (23 April 2013) stated that:

⁴ UN General Assembly. Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston; Addendum; Preliminary note on the mission to Albania (15–23 February 2010), 20 May 2010 http://www.ecoi.net/file_upload/470_1277466564_a-hrc-14-24-add9.pdf
Date accessed 15 January 2016

'[...] Blood feud killings also continued to occur, although the lack of reliable data renders it difficult to refer to concrete figures and the dynamics of the phenomenon. [...] At present, blood feuds and related killings appear to still occur in Albania and constitute an issue of concern. The lack of comprehensive and fully reliable statistical data renders it difficult to refer to concrete figures of the current scope of the phenomenon and analyse its dynamics. In parallel, information received from various sources confirms that such killings still affect the population in some parts of the country, in particular in the northern areas of Albania. Some families still opt for self-isolation due to fear of reprisal. [...] the official statistics of the General Directorate of State Police indicate that five blood feud killings and five revenge motivated killings occurred in 2010; five blood feud killings and four revenge motivated killings took place in 2011; and two blood feud killings and two revenge motivated killings were registered in the first six months of 2012. According to the same source, as of early April 2013, there were 67 self-isolated families due to blood feuds, and 33 children not attending school for the same reason. Of those children, 23 were registered in the region of Shkodra, in northern Albania.

'Furthermore, the current statistical data gathered by the Ministry of Justice from district courts, as made available by the Government of Albania, indicate that 50 cases of revenge and blood feud killings were filed with the courts in the period from January 2010 to June 2012. A total of 24 cases were filed in 2010, 17 cases were filed in 2011, while the first six months of 2012 registered 9 cases. From the point of view of the Government, these figures from the Ministry of Justice indicate a trend of reduction of blood feud crimes during the last two years. However, it is unclear to the Special Rapporteur to what extent the statistical data provided on cases in courts reflect the actual situation of blood feud-related killings in the country. He recalls in this regard the comments made by his predecessor on the challenges to accurately define the extent of the phenomenon, due to the parallel use of several differing definitions and the fragmentation of statistical data, as well as to the possible underreporting by both affected families and officials.

'According to credible information received by the Special Rapporteur, blood feud killings continue to occur in part due to a tendency of the judiciary to impose lighter sentences on perpetrators, despite the fact that the Criminal Code of Albania provides for serious penalties for blood feud murder or threat [...]

'The Special Rapporteur received further information that current blood feud killings sometimes no longer follow the traditional pattern established by the Kanun rules, which reportedly authorize the killing of male members of a family, and strictly forbid killing women and children. In the current context, following a conflict situation, there are cases where a person may feel vindicated in killing the other individual or any member of his family, including women and children. In this regard, the Special Rapporteur notes

with concern the reported killing, in a blood feud, of a 14-year-old girl in May 2012.’⁵

6.1.3 A FCO letter from the British Embassy Tirana dated 12 June 2014 reported:

‘Statistics about the numbers of people affected by blood feud vary greatly. At one end of the scale are certain NGO’s with vested interests in inflated numbers, who claim that more than 1000 families are affected. At the other end, local units of the State Police tend to estimate the lowest numbers. Most interlocutors, including from the NGO groups we met, suggested that the figures of local prosecutors were likely to be the most accurate. These figures are toward the lower end of the spectrum, slightly higher than police records, but far lower than some of the more outlandish NGO estimates. Prosecutors, we were told, have the most accurate numbers because any judgement issued by an Albanian court can be verified through the Prosecutor General. Regional prosecutors have access to this information. Indeed, the prosecutor for the Shkodra district offered to share such data with UK agencies. The range of figures for each region are as follows: Lezhë region (mayor and prefect), 50 – 75 families comprising up to 390 people, whereas the police said that families were more likely to be involved in “general fighting” rather than any activity related to “blood feud” and that only 9 of these could genuinely be classified as blood feud; Shkodër (prosecutor and police director), 60 families comprising 145 people; in Kukës the Deputy Mayor claimed only one family in the city, but the police claimed zero. The Chair of the Regional Council claimed up to 180 families across Kukës region. All interlocutors suggested that the incidence of blood feud is sharply declining.’ [See [Annex A\(2\)](#).]

6.1.4 The European Commission, in the Albania 2014 Progress Report, Enlargement Strategy and Main Challenges 2014-2015, dated 08 October 2014, reported that:

‘[...] the blood feud phenomenon is still prevalent in the north of Albania. Certain cases have been reported also in the Tirana region, mainly due to rural migration. Figures on the number of victims of blood feuds as well as of families affected vary widely. Numbers seem to be stabilising, though, rather than increasing. While it is key to develop a homogenous and reliable database to keep track of the cases and families concerned, it is even more important that the rule of law is strengthened to ensure this phenomenon is eradicated. This would also put a stop to the fraudulent use of blood feud as an argument for unfounded asylum claims in member states.’⁶

⁵ United Nations General Assembly. Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, Addendum Follow-up to country recommendations: Albania 23 April 2013.
http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.47.Add.4_EN.pdf Date accessed 20 January 2016

⁶ European Commission. Albania 2014 Progress Report, Enlargement Strategy and Main Challenges 2014-2015, 08 October 2014 (page 46).
http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-albania-progress-report_en.pdf
Date accessed 20 January 2016

- 6.1.5 In its 2015 Progress report, published in November 2015, the European Commission noted that:
- ‘As regards the right to life, blood feuds remain a problem, albeit on a limited scale. In March [2015], parliament adopted a resolution and recommendations on blood feuds, based on the findings of the Ombudsman’s special report. The resolution calls for the coordination council on blood feuds set up in 2005 to be revived, for educational and social programmes to be run in rural areas, and for the prosecution and the police to step up investigation efforts and to invest more in preventing conflicts.’⁷
- 6.1.6 The US State Department, Country Reports on Human Rights for 2014: Albania, published 25 June 2015, stated that:
- ‘The police reported four blood feud killings during the first six months of the year. Other NGOs reported higher numbers, but data were unreliable. In 2013 the government amended the law to increase penalties for premeditated murder, when committed for a blood feud, from 20 years’ or life imprisonment to no less than 30 years’ or life imprisonment. Jurisdiction over blood feud cases was transferred from district courts to the serious crimes courts.’⁸
- 6.1.7 UNICEF noted in a report published in May 2015 that:
- ‘In principle, children are exempt from attacks under the Kanun, but this may not always be respected. In practice, children often become direct or indirect victims of the application of customary law, especially where their families are involved in blood feuds.’⁹
- 6.1.8 The US State Department, Country Reports on Human Rights for 2015: Albania, published 13 April 2016, stated that:
- ‘Incidents of societal killings, including both “blood feud” and revenge killings, occurred during the year. Media portrayed some gang-related killings as blood feud killings, and criminals at times used the term to justify their crimes. There were no cases of minors or women falling victim to blood feud killings. The ombudsman reported that authorities’ efforts to protect families or prevent blood feud killings were insufficient, although the government increased efforts to prosecute such crimes.’¹⁰

⁷ European Commission. Albania 2015 Progress Report, Chapter 23: Judiciary and fundamental rights, 11 November 2015 (page 57).

http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_albania.pdf Date accessed 26 April 2016

⁸ US State Department. Country Reports on Human Rights for 2014: Albania, (Section 1a), 25 June 2015. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236492> Date accessed 26 January 2016

⁹ UN Children's Fund (UNICEF). Children's Equitable Access to Justice: Central and Eastern Europe and Central Asia, May 2015. <http://www.refworld.org/docid/558bb5b74.html> Date accessed 11 May 2016

¹⁰ US State Department. Country Reports on Human Rights for 2015: Albania (Section 6), 13 April 2016. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252815> Date accessed 14 April 2016

6.1.9 In December 2015 the Albanian Helsinki Committee reported that:

'[...] we should mention the positive fact that the blood feud did not strike any victim this year. The parliament has adopted a resolution and recommendations on the blood feud, envisaging the restoration of the Coordination Council for Blood Feud, established in 2005. Also, educational and social programs are planned in rural areas where this phenomenon is present. Also, more in-depth investigations by state prosecutors and police are made on vendetta murders, and more efforts are made for conflict prevention.'¹¹

and

'There have been positive results in the scope of the efforts to avoiding blood feuds, in 2015, which resulted in no harming of human life by this phenomena.'¹²

6.1.10 The Immigration and Refugee Board of Canada (IRB), in a report documenting statistics on blood feuds, support services and prosecutions, dated 10 September 2015, citing various sources reported that:

'According to sources, statistics on the number of people affected by blood feuds vary widely. Sources further note that there are "deep discrepancies" in the information available on the number of blood feud-related murders as well as the number of families involved and those isolated by the phenomenon.

'Sources state that media and civil society organizations estimate that the number of blood feud victims is much higher than figures presented in Albanian government reports. Balkan Insight reports that "[l]ocal media and non-governmental organizations refer to dozens of blood-feud killings per year and to hundreds of children living in isolation as a consequence," while "[o]n the other hand, government statistics claim that such killings fell sharply in number over the last decade." ¹³

6.1.11 See also Annex A (2).

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7. Families in isolation

7.1.1 Dr Julie Vullnetari of the Sussex Centre for Migration Research, University of Sussex, in her evaluation of the May 2011 Country of Origin Information

¹¹ Albanian Helsinki Committee. Report on the situation of human rights in Albania for 2015, page 11. December 2015

http://www.ahc.org.al/web/images/Raporte/AL/Report_on_the_human_rights.pdf

Date accessed 26 April 2016

¹² Albanian Helsinki Committee. Report on the situation of human rights in Albania for 2015, page 42. December 2015 http://www.ahc.org.al/web/images/Raporte/AL/Report_on_the_human_rights.pdf

Date accessed 26 April 2016

¹³ Canada: Immigration and Refugee Board of Canada. Albania: Statistics on blood feuds; state protection and support services available to those affected by blood feuds, including whether individuals have been prosecuted for blood feud-related crimes (2010-2015), 10 September 2015, ALB105255.E. <http://www.refworld.org/docid/560b8f094.html> Date accessed 12 January 2016

Report on Albania on behalf of the Independent Advisory Group on Country Information (IAGCI), commented that:

‘In the post-communist years the killings often do not adhere to the tenets of the Kanun, but the latter is used as a tool to justify murder that may take place for a variety of reasons, at times involving rival gangs in cities and districts. [...] In a BBC report [Eye for an eye, life for a life, 17 October] in 2005, Tonin Gjuraj, who was a university lecturer in the city of Shkodra and who had researched the issue of blood feud commented [...]: “Acts of revenge justified on the basis of the Kanun are often nothing more than common criminal offences in an area where law enforcement remains weak.” The impact, however, is the same in terms of isolating male members of the family and holding the (extended) family collectively responsible for a crime an individual has committed. As such, definitions of revenge or blood feuds often overlap, since they would both be considered as “honour killing” of males. Clarissa de Waal, a Cambridge-based anthropologist who has also carried out research in northern parts of Albania, further elaborated in the same BBC report that: “[...] blood feuds were linked to a concept of ‘neighbourhood opinion’ strong in Albanian communities [...] families often get involved in blood feuds because if they did not avenge their loss they would be perceived as cowards locally” and that “[...] in some cases killers have paid corrupt officials to secure freedom [...]”.¹⁴

- 7.1.2 The UN Special Rapporteur on extrajudicial, summary or arbitrary executions, in a Preliminary note on the mission to Albania (15–23 February 2010) stated that:

‘In a nutshell, the numbers of blood feud killings in Albania has decreased steadily over the past five years, but the phenomenon has not been entirely eliminated. Moreover, its broader implications continue to have a corrosive effect on society. The most important problems are significant self-isolation by families fearing a revenge killing, and a continued belief in the legitimacy of the collective punishment of a wrongdoer’s family members, even when they are completely innocent in the matter. By the same token, exaggeration of the magnitude of the problem can significantly hinder reform endeavours.’¹⁵

- 7.1.3 The follow up report of the UN Special Rapporteur (23 April 2013) stated that:

‘At present, blood feuds and related killings appear to still occur in Albania and constitute an issue of concern. The lack of comprehensive and fully

¹⁴ Commentary on the March 2011 Country of Origin Information (COI) report on Albania, Dr Julie Vullnetari, Sussex Centre for Migration Research, University of Sussex. Olsi Vullnetari MA, Independent Consultant, May 2011 <http://icsinspector.independent.gov.uk/wp-content/uploads/2011/02/Evaluation-of-the-Country-of-Origin-Information-Report-on-Albania.pdf> Date accessed 20 January 2016

¹⁵ Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston; Addendum; Preliminary note on the mission to Albania (15–23 February 2010), 20 May 2010 http://www.ecoi.net/file_upload/470_1277466564_a-hrc-14-24-add9.pdf Date accessed 4 January 2016

reliable statistical data renders it difficult to refer to concrete figures of the current scope of the phenomenon and analyse its dynamics. In parallel, information received from various sources confirms that such killings still affect the population in some parts of the country, in particular in the northern areas of Albania. Some families still opt for self-isolation due to fear of reprisal.’¹⁶

- 7.1.4 The Immigration and Refugee Board of Canada (IRB) in a report entitled, ‘Albania: Statistics on blood feuds; state protection and support services available to those affected by blood feuds, including whether individuals have been prosecuted for blood feud-related crimes (2010-2015),’ dated 10 September 2015, reported statistics on the number of individuals living in isolation due to blood feuds as follows:

‘2012: Operation Dove [(Pope John XXIII Community Association)], citing Albanian police statistics from approximately 2012, indicates that the number of families who were living in isolation by region was as follows: Shkoder region: 48 families, including 93 males, of which 21 were children and 2 students; Kukes region: 13 families, including 16 individuals, of which 6 were women and 7 children; Lezhe region: 4 families, including 4 men; Tirane region: 1 family, including 1 individual; and Durres region: 1 family, including one man, one woman and three children.

‘2013: According to the Albanian People's Advocate, as cited by the OSCE Presence in Albania, there were 154 individuals confined to their homes in 2013, of which 33 were children. According to Balkan Insight and information provided by the General Directorate of the State Police to the UN Human Rights Council, the number of families living in isolation due to blood feuds in April 2013 was between 67 and 69 families. According to Balkan Insight, the majority of the families were located in the northern region of Shkoder. According to sources, these isolated families included 33 children who were unable to attend school because of blood feuds 23 of whom were in Shkoder.

‘2014: According to Spiegel Online, a German news website, "non-governmental organizations estimate that around 1,500 young men around the country are forced to hide in their homes because they are targeted" due to blood feuds. According to data provided by the Shkoder Prosecution office, the OSCE Presence in Albania states that in the Shkoder region, there were 14 confined families as of June 2014, with a total of 36 persons living in isolation.’¹⁷

¹⁶ United Nations. Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, Addendum Follow-up to country recommendations: Albania 23 April 2013 http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.47.Add.4_EN.pdf Date accessed 05 February 2016

¹⁷ Canada: Immigration and Refugee Board of Canada. Albania: Statistics on blood feuds; state protection and support services available to those affected by blood feuds, including whether individuals have been prosecuted for blood feud-related crimes (2010-2015), 10 September 2015, ALB105255.E. <http://www.refworld.org/docid/560b8f094.html> Date accessed 12 January 2016

- 7.1.5 See also [NGOs and Reconciliation committees \(RCs\)](#) and [Purchase of False Attestation Letters](#) for information on possible criminal activities linked to Reconciliation committees.

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8. State protection

- 8.1.1 The US Department of State's Country Report on Human Rights Practices for 2015 in Albania, published in April 2016, stated, 'The ombudsman reported that authorities' efforts to protect families or prevent blood feud killings were insufficient, although the government increased efforts to prosecute such crimes.'¹⁸
- 8.1.2 The UN Special Rapporteur on extrajudicial, summary or arbitrary executions, in a Preliminary note on the mission to Albania (15–23 February 2010) stated that:
- 'The blood feud phenomenon re-emerged at the end of the communist era and increased significantly with the 1997 breakdown in law and order. The absence of effective official responses to criminality encouraged the citizenry to revert to traditional mechanisms to obtain justice. Suggestions that the criminal justice system is still so inefficient and corrupt as to necessitate continuing resort to blood feuds to achieve justice appear, however, misplaced. While the justice system does suffer from serious weaknesses and considerable corruption, there is no evidence that a perceived law and order vacuum explains a continuing attachment to the practice of blood feuds.'¹⁹
- 8.1.3 In its November 2011 report on Albania's implementation of the provisions of the International Covenant on Civil and Political Rights, the UN Human Rights Committee stated that the activity of the police for prevention and investigation of murders of blood feuds has consisted in:
- (i) establishing special structures for the fight against blood feud, especially in areas when this phenomenon is widely spread like in the districts of Shkodra, Lezha, Kukes, Diber, etc.;
 - (ii) selecting the staff and their continuous training on specific issues related to prevention and reveal of murders in general and those of blood avenge or vengeance in particular;
 - (iii) strengthening the co-operation with prosecution office for investigating quickly these penal offences and bring the offenders before law court;

¹⁸ US Department of State. Country Report on Human Rights Practices for 2015; Albania, published 13 April 2016

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252815> Date accessed: 6 July 2016.

¹⁹ Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston; Addendum; Preliminary note on the mission to Albania (15–23 February 2010), 20 May 2010 http://www.ecoi.net/file_upload/470_1277466564_a-hrc-14-24-add9.pdf Date accessed 4 January 2016

- (iv) undertaking actions for the seizure of criminal offenders in general and those for blood avenger in particular as a very important means for prevention of blood feud;
- (v) arrangement of activities for the seizure of wanted persons convicted of commitment of murders for the motive of blood avenger, and these have led to reduce evidently blood feud murders;
- (vi) strengthening and institutionalizing co-operation between local government organs and NGOs for settling conflicts by reconciliation;
- (vii) strengthening co-operation between educational directorates and schools for education of the young generation with the spirit of tolerance and prevention of crimes;
- (viii) supporting and cooperating with commission of blood feud reconciliation, always in compliance with law, for the purpose of intermediating the solution by conciliation of conflicts of blood feuds.²⁰

8.1.4 The more recent IRB report dated 10 September 2015, reported that:

'[...] the Albanian Criminal Code was amended to include harsher penalties for individuals who commit murder related to a blood feud. Sources indicate that the Code was amended in 2013; or 2014. The amended Criminal Code provides the following:

'Article 78/a Murder for Blood Feud

'Intentional homicide for blood feud shall be punishable by imprisonment of not less than thirty years or life imprisonment;

[...]

'Article 83/a [No title in original]

'Serious intimidation for revenge or blood feud, against a person in order to have him immobilized within the house is punishable by imprisonment up to three years;

'Article 83/b Incitement for Blood Feud

'Inciting other persons for revenge or blood feud, when it does not constitute other criminal act[s], is punishable by imprisonment up to three years.'²¹

8.1.5 In his 'Executive summary of the People's Advocate special report on blood feud' of April 2013, the People's Advocate repeated the call for greater state protection:

²⁰ UN Human Rights Committee. Consideration of reports submitted by States parties under article 40 of the Covenant, Second periodic reports of States parties: Albania, CCPR/C/ALB/2. Paragraph 648, 17 November 2011 www2.ohchr.org/english/bodies/hrc/docs/CCPR.C.ALB.2_en.doc

Date accessed 9 May 2016

²¹ Canada: Immigration and Refugee Board of Canada. Albania: Statistics on blood feuds; state protection and support services available to those affected by blood feuds, including whether individuals have been prosecuted for blood feud-related crimes (2010-2015), 10 September 2015, ALB105255.E. <http://www.refworld.org/docid/560b8f094.html> Date accessed 12 January 2016

‘Although State Police statistics show that in the last 10 years there is a general trend of decreasing of murders for blood feud or revenge, various NGOs claim other higher figures [...].

‘State bodies have not yet been able to make proper assessment of this situation, neither start to develop a close collaboration with each other. This is shown by the fact that there are no accurate statistics.’²²

8.1.6 See also [Statistics](#).

8.1.7 IRB reporting LIFOS on 10 September 2015, stated that:

‘According to the 2013 Swedish Migration Agency’s Lifos report, sources consulted by Lifos for the report did not share a common view of the Albanian police to handle blood feuds. Some sources acknowledge the progress made by the police in its work, while other sources still identify serious deficiencies with regard to capacity and prevalence of corruption.

‘The Swedish Migration Agency report further states that, according to the sources it consulted, [t]here is a tendency among people involved in blood feuds not to turn to the Albanian authorities for protection. This tendency is reportedly based on a lack of trust in the police, which relates to its capacity, as well as on the typical mechanisms of blood feuds which implicate that police protection does not solve the blood feuds as such. [...]’²³

8.1.8 The Immigration and Refugee Board of Canada (IRB), in the report ‘Albania: Statistics on blood feuds; state protection and support services available to those affected by blood feuds, including whether individuals have been prosecuted for blood feud-related crimes (2010-2015),’ dated 10 September 2015, also reported that:

‘The OSCE Presence in Albania report similarly states that the Albanian State Police developed an "operational plan" on the "prevention, identification, and fight against criminal acts of murder for blood feud" in 2012.

‘According to the UN Special Rapporteur, in June 2012, the Albanian State Police launched a countrywide database which lists all individuals identified as involved in a blood feud; this includes cases submitted to court and those "not followed up through official channels". The same source indicates that the database is updated regularly and may be accessed by the State Police, the Prosecutor General’s Office, representatives of the court, and the People’s Advocate [Ombudsman].

‘According to the British Embassy, "[t]he authorities prosecute perpetrators" of blood feud-related crimes. The 2013 report published by the Albanian

²² Executive summary of the People’s Advocate special report on blood feud, April 2013 <http://www.theioi.org/downloads/bddn6/Executive%20summary%20of%20the%20Peoples%20Advocate%20special%20report%20on%20blood%20feud.pdf> Date accessed 30 September 2013

²³ Canada: Immigration and Refugee Board of Canada. Albania: Statistics on blood feuds; state protection and support services available to those affected by blood feuds, including whether individuals have been prosecuted for blood feud-related crimes (2010-2015), 10 September 2015, ALB105255.E. <http://www.refworld.org/docid/560b8f094.html> Date accessed 12 January 2016

Ministry of Foreign Affairs indicates that "all feud motivated crimes are detected and perpetrators are punished by the courts". The same source states that in the first 6 months of 2012, 4 out of 9 blood feud-related cases had resulted in convictions, while the other 5 remained pending at the time of the 2013 report. The same source notes that no cases were documented during the first third of 2013. [...]' ²⁴

- 8.1.9 In their letter dated 12 June 2014, the British Embassy in Tirana reported recent government action on blood feuds:

'Since the field visit, the government, which came to office in September 2013, has further stepped up efforts to tackle blood feud, including issuing revised instructions to local police services and further toughening sentences to offenders through amendments to the Albanian Criminal Code. The Albanian Criminal Code was reinforced during 2014 to provide for stiffer penalties for those convicted of blood feud killings of up to 30 years imprisonment. The government has also taken steps to tackle the problem of fake blood feud certificates and documentation. A number of arrests have taken place during 2014.' [See [Annex A\(2\)](#).] See also [NGOs and Reconciliation Committees \(RCs\)](#), [Attestation letters for blood feuds](#) and [Purchase of False Attestation Letters](#).

- 8.1.10 In further correspondence, dated 17 February 2016, the British Embassy stated that:

'Machinery of the state, such as functioning police, and prosecution services exist. Embassy research including interviews with local police, prosecutors, NGOs, and faith based groups indicate that the incidence of blood feud is limited to very small numbers of cases.' [See [Annex A\(3\)](#).]

- 8.1.11 An indication of progress made by the Albanian government, and in particular in the areas of judicial reform and anti-corruption, both of which impact the blood feud phenomenon and authorities attitudes and response, is outlined in the European Commission: Albania 2015 report, dated 10 November 2015, which noted that:

'In view of the progress made by Albania, the Commission recommended in October 2013 that Albania be granted candidate status, on the understanding that it continues to take action in the fight against organised crime and corruption, and the Commission identified five key priorities for opening accession negotiations. In December, the Council stated that it would decide on whether to grant candidate status in June 2014, in the light of a report by the Commission focusing on Albania's implementation of its judicial reform strategy and on the fight against organised crime and corruption. The Council stressed that sustained implementation of reforms

²⁴ Canada: Immigration and Refugee Board of Canada. Albania: Statistics on blood feuds; state protection and support services available to those affected by blood feuds, including whether individuals have been prosecuted for blood feud-related crimes (2010-2015), 10 September 2015, ALB105255.E. <http://www.refworld.org/docid/560b8f094.html> Date accessed 12 January 2016

and fulfilment of all key priorities would be necessary for the opening of negotiations.

'In a report published in June 2014, the Commission confirmed its recommendation that the Council should grant Albania candidate status. The European Council of June 2014 endorsed the decision of the General Affairs Council granting Albania candidate status.'²⁵

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8.2 Support services

8.2.1 The IRB report, dated 10 September 2015, stated that:

'The OSCE quotes the Mufti of Shkodra, as stating that "the Muftiny works together with two madrasahs (Muslim educational institutions) in promoting forgiveness and reconciliation, with a focus on Muslim values". Spiegel Online further reports that two nuns from Switzerland run a support group for young men affected by blood feuds in Shkoder, which meets twice a week. Operation Dove, which has held a presence in Albania since 2010, also facilitates reconciliatory mediation sessions among families in conflict and hosts a "youth group" for young Albanians affected by blood feuds.

'The OSCE Presence in Albania indicates that, as of the 2014 report, a program established in 2007 by the Ministry of Education called "Second Chances" is still functional and allows teachers to visit the homes of children confined due to a blood feud and give them lessons three times a week. According to Reuters, there is also a psychological clinic in Shkoder that "works with children from families locked in by blood feuds". The clinic is said to be the first of its kind in northern Albania and works to "help children overcome stress and trauma associated with isolation, as well as address attitudes toward violence and aggression by teaching them to express their feelings".'²⁶

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9. NGOs and Reconciliation Committees (RCs)

9.1.1 The Immigration and Refugee Board of Canada, in a report, 'Albania: Task force established to investigate falsified attestation letters for blood feuds, including activities and cases investigated; reconciliation groups, including whether any have been investigated for providing false attestation letters (2012-February 2014)' dated 28 February 2014, stated that:

²⁵ European Commission, Brussels, 10.11.2015 SWD(2015) 213 final Commission Staff Working Document: Albania 2015 Report, Accompanying the document: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - EU Enlargement Strategy
http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_albania.pdf Date accessed 02 May 2016

²⁶ Canada: Immigration and Refugee Board of Canada. Albania: Statistics on blood feuds; state protection and support services available to those affected by blood feuds, including whether individuals have been prosecuted for blood feud-related crimes (2010-2015), 10 September 2015, ALB105255.E. <http://www.refworld.org/docid/560b8f094.html> Date accessed 12 January 2016

'[...] two of the larger NGOs involved in blood feud reconciliation are the Committee of Nationwide Reconciliation (Komiteti i Pajtimit Mbarëkombëtar, CNR) and the Missionaries for Peace, but there are several smaller NGOs involved in blood feud reconciliation, as well as a number of individuals, such as mediators or elders [...]. The People's Advocate Office [also known as the Albanian Ombudsman] (Avokati i Popullit), Albania's national institution that aims to protect citizens' human rights and freedoms in relation to public administrative bodies, has also worked to address the issue of blood feuds [...]. In correspondence with the Research Directorate, the Chief of Coordination, International Relations and European Integration of the People's Advocate, noted that their office has cooperative agreements with several NGOs that also deal with blood feuds, although the nature of the agreements is broad rather than specifically about blood feuds [...] The People's Advocate reportedly has agreements with the following NGOs that are involved in blood feud issues:

'Forumi i Mendimit të Lire;

'Fondacioni për Zgjidhjen e Konfliktëve dhe pajtimi e mosmarreshjeve [Albanian Foundation for Conflict Resolution and Reconciliation of Disputes];

'Civil Rights Defenders;

'Albanian Helsinki Committee;

'Mesuesë për fëmijet e ngujuar në Shkodër;

'Instituti Shtëpia e Drejtësisë dhe Pajtimit Kombëtar [Institute Home of Justice and National Reconciliation];

'Tirana Legal Aid Society (ibid.).'²⁷

- 9.1.2 A 2010 study, 'An Analysis of Reconciliatory Mediation in Northern Albania: The Role of Customary Mediators,' discussed the activities of RCs in the regional context. It described the process and the mechanisms utilised by traditional mediators in resolving blood feuds in northern Albania. It described the practice of mediation in northern Albania, and discussed the reasons why people resort to traditional mediators in blood feuds, what their roles are in the process of mediation, forgiveness and achieving peace and what norms or values are used to influence the parties to make peace.²⁸

- 9.1.3 The report noted the role of local mediators in blood feuds:

'[...] Local mediators can be seen not as competing with the legal institutions of the state but as providing mechanisms that support legal action. The

²⁷ Canada: Immigration and Refugee Board of Canada. Albania: Task force established to investigate falsified attestation letters for blood feuds, including activities and cases investigated; reconciliation groups, including whether any have been investigated for providing false attestation letters (2012-February 2014), 28 February 2014, ALB104752.E. <http://www.refworld.org/docid/537da9024.html> Date accessed 10 January 2016

²⁸ Celik, Ayse Betul and Shkreli, Alma (2010) 'An Analysis of Reconciliatory Mediation in Northern Albania: The Role of Customary Mediators', Europe-Asia Studies, 62: 6, 885 - 914, August 2010 http://www.researchgate.net/publication/248392838_An_Analysis_of_Reconciliatory_Mediation_in_Northern_Albania_The_Role_of_Customary_Mediators Date accessed 30 October 2015

mediators mostly deal with cases where the offender has already been punished by the state. This study shows that the reason why northern Albanians choose this method is not necessarily because they do not trust the state institutions, but because they prefer this system, focusing on the relations between the people in society, and not on the outcome of the crime as something to be punished.’²⁹

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10. Attestation letters for blood feuds

10.1.1 The Immigration and Refugee Board of Canada, in a report, ‘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’, dated 01 February 2012, stated that:

‘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. 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.

‘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. Without providing details, the official indicated that these certificates can be issued after authorities "evaluate whether a case requires further legal protection or not". 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.’³⁰

²⁹ Celik, Ayse Betul and Shkreli, Alma (2010) ‘An Analysis of Reconciliatory Mediation in Northern Albania: The Role of Customary Mediators’, *Europe-Asia Studies*, 62: 6, 885 - 914, August 2010 http://www.researchgate.net/publication/248392838_An_Analysis_of_Reconciliatory_Mediation_in_Northern_Albania_The_Role_of_Customary_Mediators Date accessed 30 October 2015

³⁰ Immigration and Refugee Board of Canada. 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, 1 February 2012.

10.1.2 The same report continued:

'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. 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. 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").

'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". 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. 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.'

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11. Purchase of False Attestation Letters

11.1.1 The IRB report, Albania: Attestation letters for blood feuds; [...] 01 February 2012, stated that:

'Various sources report that some NGOs have issued false documents about blood feuds. 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". According to the Balkan Investigative Reporting Network's publication Balkan Insight, the

<http://www.unhcr.org/refworld/topic,45a5fb512,47f22b8b2,4f5f1ab32,0,,ALB.html> Date accessed 14 February 2016

³¹ Immigration and Refugee Board of Canada. 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, 1 February 2012.

<http://www.unhcr.org/refworld/topic,45a5fb512,47f22b8b2,4f5f1ab32,0,,ALB.html> Date accessed 14 February 2016

Belgian official met with Albanian authorities to warn them about possible criminal networks.

'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. 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. 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)]. Moreover, Nikolli said that his organization had released approximately 220 similar certificates in August and September of 2011. However, according to the reporter, Nikolli backed out of issuing the certificate after the Albanian police began investigating his organization. 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)].' ³²

11.1.2 The report continued:

'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. 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".

'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.

'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

³² Immigration and Refugee Board of Canada. 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, 1 February 2012
<http://www.unhcr.org/refworld/topic,45a5fb512,47f22b8b2,4f5f1ab32,0,,,ALB.html> Date accessed 14 February 2016

Missionaries of Peace and Reconciliation of Blood Feuds, in issuing false documents about blood feuds. 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. According to the KojaJone.com [a daily newspaper] website,

[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.

'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. 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". 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)].' ³³

11.1.3 This IRB report also stated that:

'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,

³³ Immigration and Refugee Board of Canada. 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, 1 February 2012
<http://www.unhcr.org/refworld/topic,45a5fb512,47f22b8b2,4f5f1ab32,0,,,ALB.html> Date accessed 14 February 2016

accepting money for signing and stamping a document that was written by an "undercover" journalist. 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".

'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. 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 [...].'³⁴

11.1.4 The IRB report continued:

'However, in correspondence with the Research Directorate, the Chairman of the CNR denied the allegations, claiming that they were part of a "political setup". 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. 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.'³⁵

³⁴ Immigration and Refugee Board of Canada. 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, 1 February 2012

<http://www.unhcr.org/refworld/topic,45a5fb512,47f22b8b2,4f5f1ab32,0,,,ALB.html> Date accessed 14 February 2016

³⁵ Immigration and Refugee Board of Canada. 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, 1 February 2012

<http://www.unhcr.org/refworld/topic,45a5fb512,47f22b8b2,4f5f1ab32,0,,,ALB.html> Date accessed 14

- 11.1.5 The Committee of Nationwide Reconciliation issued a 'Memo' entitled, 'About the scenarios and political setups against the Committee of Nationwide Reconciliation to cover the reality of blood feuds and honor killings as well as the mafia connections with the Albanian state,' 28 December 2011, which set out their position in more detail.³⁶
- 11.1.6 The IRB report, Albania: Attestation letters for blood feuds; [...] 01 February 2012, further stated that:
- '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.
- '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.". According to the CNR, some of those organizations have issued false attestation letters.
- '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. Both the Albanian police director and the Minister of Interior have vowed to prosecute those who prepare such counterfeit documents.
- '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 cannot be conclusive". 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."³⁷
- 11.1.7 In correspondence of 23 December 2011 to the Foreign and Commonwealth Office, the Albanian Ministry of the Interior set out the various charges laid and the individuals concerned. [See Annex A(1)(a).] In subsequent correspondence dated 20 June 2012, to the Foreign and Commonwealth
-

February 2016

³⁶ Memo: About the scenarios and political setups against the Committee of Nationwide Reconciliation to cover the reality of blood feuds and honor killings as well as the mafia connections with the Albanian state. 28 December 2011 <http://www.pajtimi.com/Pajtimi/Memo.pdf> Date accessed 8 February 2016

³⁷ Immigration and Refugee Board of Canada. 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, 1 February 2012 <http://www.unhcr.org/refworld/topic,45a5fb512,47f22b8b2,4f5f1ab32,0,,,ALB.html> Date accessed 14 February 2016

Office, the Albanian Prosecution Office Tirana conveyed the result of the investigation concerning Mr Gjin Marku and confirmed that charges had been dropped. [See [Annex A\(1\)\(b\)](#).]

- 11.1.8 According to a report in the Independent Balkan News Agency in February 2014, the provision and availability of suspect documentation continued to be an area of concern with the authorities continuing to make efforts to tackle the problem.³⁸
- 11.1.9 The British Embassy in Tirana commented in a letter dated 12 June 2014, in which they were reporting recent Government action on blood feuds, that 'The government has also taken steps to tackle the problem of fake blood feud certificates and documentation. A number of arrests have taken place during 2014.' [See [Annex A\(2\)](#).]
- 11.1.10 In correspondence from the British Embassy in Tirana, dated 17 February 2016, it was stated that:
- 'Fake "blood feud" certificates are easily available for a price from both NGOs and local officials. [...] The Albanian government no longer recognises blood feud "certificates" from NGOs, police or local government offices. In discussions other NGOs advised us not to extend asylum to claimants as this would, in genuine cases, only exacerbate the situation for relatives remaining in Albania. The only real solution is reconciliation of the parties in Albania. [...] Conversations with almost all interlocutors highlighted that reference to blood feud "certificates" either produced by NGOs or by local officials was largely pointless. Other embassies in Tirana take the same view.' [See [Annex A\(3\)](#).]

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³⁸ Independent Balkan News Agency. Associations against blood feud assist Albanians who seek asylum in the EU, 19/02/2014 <http://www.balkan.eu.com/associations-blood-feud-assist-albanians-see-asylum-eu/> Date accessed 19 May 2014

Annex A(1): FCO correspondence dated 23 December 2011(a) and 20 June 2012 (b)

a. FCO correspondence: Republic of Albania, Ministry of Interior, The General Directorate of State Police, Department against Organised and Serious Crimes- information on the start of investigations on persons who have issued certificates or documents which have then been submitted by Albanian citizens in support of their asylum claims in several European countries, 23 December 2011. (Hard copy held by CPIT)

'Republic of Albania

Ministry of Interior

The General Directorate of State Police

Department against Organised and Serious Crimes

Subject: Reply

Addressed to: British Embassy

In response to your letter dated 09.01.2012, requesting detailed information on the start of investigations on persons who have issued certificates or documents which have then been submitted by Albanian citizens in support of their asylum claims in several European countries, we would like to inform you that :

The police teams within the General Directorate of State Police, based on intelligence and verifications conducted in cooperation with counterpart police authorities and local media, have referred procedural information and documents to the Prosecution Offices in Tirana and Shkoder against chairmen and members of NGOs involved with "Blood Feud" issues and against elected members of local counties in Shkoder district, namely:

1. On 02.12.2011, we have referred material evidence to the Prosecution Office in Shkoder against the citizen Pashko Tom Popaj, member of the NGO "Missionaries of Peace and Blood Feuds of Albania" based in Shkoder, on charges of "Document forgery" provided by article 186 of Penal Code. Certificates, issued by this citizen, have been submitted in support of asylum claims to the relevant authorities in Belgium. Based on our material evidence, the Shkoder Prosecution Office has started the criminal case Nr 1315 dated 19.12.2011.
2. On 02.12.2011, we have referred material evidence to the Prosecution Office in Tirana against the citizen Gjin Marku, chairman of the NGO "The Committee of Nationwide Reconciliation" based in Tirana, on charges of "Document forgery" provided by article 186 of Penal Code. Certificates, issued by this citizen against payments, have been then submitted in support of asylum claims to the relevant

authorities in Germany and United Kingdom. Based on our material evidence, the Tirana Prosecution Office is still conducting preliminary investigations on this case.

3. On 24.10.2011, we have referred material evidence to the Prosecution Office in Shkoder against the citizens Faz Shabaj, Mayor of Postribe Commune in Shkoder district, and Ramadan Likaj, Mayor of Koplik, Malesi e Madhe district, on charges of "Document forgery" provided by article 186 of Penal Code. Certificates, issued by these citizens, have been then submitted in support of asylum claims to the relevant authorities in Belgium. Based on our material evidence, the Shkoder Prosecution Office has registered the criminal case Nr 1144 dated 28.10.2011.

4. In November 2011, we have referred material evidence to the Prosecution Office in Tirane against the citizen Agim Loci, Director of the Institute (the Home of Justice and blood feud" based in Tirana on charges of "Passive corruption in the private sector" provided by articles 164b and 186b of the Penal Code. Certificates, issued by these citizens, have been then submitted in support of asylum claims to the relevant authorities in the United Kingdom. The Tirana Prosecution Office is still conducting preliminary investigations on this case.

The Department against Organised and Serious Crimes at the General Directorate of State Police has proved that the above citizens have issued false and not legally based certificates, even though the concerned nationals have not been registered with the relevant authorities as persons involved in conflicts or blood feuds.

We are cooperating with the relevant Prosecution Offices for the full investigation of all these and other similar cases.

Deputy Director General

Agron Kulicaj'

b. FCO correspondence: Republic of Albania, Prosecution Office Tirana. Letter to the General Prosecution office, setting out the result of the investigation concerning Mr Gjin Marku. (Copy held by CPIT)

'The Republic of Albania

Prosecution Office Tirana

Nr 4131/2 Prot M.M

Tirana, 20.06.2012

Subject: Response

To the General Prosecution Office

Tirana

In response to your letter nr 98/23 dated 23.05.2012, we would like to explain that the Tirana Prosecution Office has registered the penal charge nr 8201 of 2011. The charges have been registered following documentation submitted by the Tirana Police Department according to which Gjin Marku was suspected of "document forgery".

Following the preliminary investigation process, the Tirana Prosecution Office has decided to drop the charges and not proceed with the trial.

Chairman of the Tirana Prosecution Office

Sokol Malaj'

This letter has been completed by staff of the British Embassy in Tirana entirely from information obtained from the sources indicated. The letter does not reflect the opinions of the author, or any policy of the Foreign and Commonwealth Office. The author has compiled this letter in response to a request from the Home Office and any further enquiries regarding its contents should be directed to the Home Office.

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Annex A(2): FCO letter dated 12 June 2014



British Embassy
Tirana

British Embassy Tirane

Rruga "Skenderbej "

Nr.12

Tirane

Tel: 04 2234973

Fax: 04 224 7697

www.fco.gov.uk

12 June 2014

Country of Origin Information Service
Immigration and Border Policy Directorate
40 Wellesley Road
CR9 2BY

RE: ALBANIA: BLOOD FEUD – CONCLUSIONS OF BRITISH EMBASSY FIELD TRIP

The British Embassy, through RALON colleagues based in Tirana, routinely monitors trends in the basis for asylum claims in the UK. Involvement in a blood feud is cited by Albanian asylum seekers in the UK in significant numbers of cases. In January, an intensive Embassy fact finding visit to the north of Albania sought to assess the real extent of the problem, including meetings with NGOs, faith groups, mayors, prefects, police chiefs, and prosecutors in the three towns at the centre of the regions responsible for the bulk of blood feud based asylum claims: Shkodër, Lezhë, and Kukës.

There are three main problems in tackling blood feud: (a) the problem of defining what blood feud is, (b) the lack of objective information, and (c) the vested interests attaching themselves to the phenomenon. The field visit team reached a number of conclusions based on common messages from nearly all interlocutors, including NGOs and faith groups.

Definition of "Kanun" based blood feud

Definition of blood feud is a problem: the term is used loosely in most cases. Blood feud is a long term process guided by a series of ancient unwritten rules setting out the boundaries of 'taking blood'. For example in traditional blood feud, women and children are exempt. Traditional blood feud even allowed the killer to attend his victim's funeral. But modern day criminality and revenge is just that, paying little heed to the principles of the "Kanun", except for the fact of retribution. The definition of blood feud presents a problem

exacerbated by the trade in so-called “blood feud certificates”. The numbers of asylum claimants at UK borders citing blood feuds is far greater than would be likely from those affected by genuine blood feud. Interlocutors both official and NGO suggested that genuine victims of the practice would not be able to leave their homes, let alone cross the continent.

Decline of “Kanun” and the establishment of rule of law

According to local authorities, and faith based NGOs, this lack of objective information on blood feud is exacerbated by some NGOs with an interest in exaggerating the extent of the problem for their own purposes, including perpetuating the significance of “Kanun” in modern Albania. Blood feuds were driven by culturally understood rules derived from the 15th century Code (“Kanun”), the provisions of which were transmitted orally through the generations. Blood feud usually started with a dispute between families which escalates to a fight in which someone is killed. The victim’s family then felt that “blood was owed” and honour could only be restored by the taking of a life of a member of the killer’s family. “Kanun” more generally was a way for inhabitants of remote settlements to organise themselves in the absence of a functioning state and rule of law. The phenomenon was stamped out during the regime of the dictator Enver Hoxha, when penalties for feuding families were harsh. But the collapse of the regime in the early 1990s, and the law enforcement vacuum left in remote areas of the north by the absence of a functioning state, left space for revenge killings to reassert themselves. “Kanun” law no longer predominates. Since the 1990s the state has established a functioning system of law and order through local policing, prosecutors and courts. Modern revenge killings bear little resemblance to the codified, almost ceremonial aspects of “Kanun” based blood feud.

Local authority statistics

Statistics about the numbers of people affected by blood feud vary greatly. At one end of the scale are certain NGO’s with vested interests in inflated numbers, who claim that more than 1000 families are affected. At the other end, local units of the State Police tend to estimate the lowest numbers. Most interlocutors, including from the NGO groups we met, suggested that the figures of local prosecutors were likely to be the most accurate. These figures are toward the lower end of the spectrum, slightly higher than police records, but far lower than some of the more outlandish NGO estimates. Prosecutors, we were told, have the most accurate numbers because any judgement issued by an Albanian court can be verified through the Prosecutor General. Regional prosecutors have access to this information. Indeed, the prosecutor for the Shkodra district offered to share such data with UK agencies. The range of figures for each region are as follows: Lezhë region (mayor and prefect), 50 – 75 families comprising up to 390 people, whereas the police said that families were more likely to be involved in “general fighting” rather than any activity related to “blood feud” and that only 9 of these could genuinely be classified as blood feud; Shkodër (prosecutor and police director), 60 families comprising 145 people; in Kukës the Deputy Mayor claimed only one family in the city, but the police claimed zero. The Chair of the Regional Council claimed up to 180 families across Kukës region. All interlocutors suggested that the incidence of blood feud is sharply declining (except for one contact, widely suspected of selling blood feud certificates, and with a political interest in exaggerating crime levels).

Local authority support

Despite the declining trend, local authorities are active. Police and criminal justice system representatives monitor, record, and provide a degree of protection to affected families. The authorities also prosecute perpetrators. Municipalities, while facing budgetary constraints, offer social service support, home schooling and medical/psychiatric assistance to victims of blood feud. Faith groups, especially the Catholic Church and local mosques, cooperate inter-denominationally in an effort to address the problem with work to support affected families, and reconciling conflicts.

Vested interests

Vested interests and criminality play a key role in inflating the sense of the scale of the phenomenon. The Albanian press, hungry for sensation, report murders as blood feud, even in cases of straightforward gangland murders. Some local journalists have reportedly accepted money to report a murder as blood feud in order that family members might then use the invented blood feud in an asylum bid. Others have simply invented a story, without a dispute having taken place, for the benefit of two families' immigration plans. Corrupt NGOs and local officials also blur definitions. Fake "blood feud" certificates are easily available for a price from both NGOs and local officials. The Albanian government no longer recognises blood feud "certificates" from NGOs, police or local government offices. In discussions other NGOs advised us not to extend asylum to claimants as this would, in genuine cases, only exacerbate the situation for relatives remaining in Albania. The only real solution is reconciliation of the parties in Albania.

Actions to mitigate false blood feud claims

There are a number of future possible actions to mitigate false blood feud claims. Any Albanian court judgement can be verified through the Prosecutor General's office in Tirana as the most reliable way of determining a claim. RALON in Tirana is also in a position to respond to queries from UK asylum caseworkers via a newly introduced referral process. In cases where claimants are not subject to state persecution (as would be the case in all "blood feud" claims) local checks can verify names and ages of claimants, thereby mitigating another trend of false claims coupled with false identities.

Declining trend

The visit confirmed a generally declining trend in the incidence of genuine blood feud in Albania. Modern blood feud is very limited, and few cases can really be defined as such, many either being fraudulently invented cases, or simply cases of common criminality and revenge. Conversations with almost all interlocutors highlighted that reference to blood feud "certificates" either produced by NGOs or by local officials was largely pointless. Other embassies in Tirana take the same view.

Recent government action

Since the field visit, the government, which came to office in September 2013, has further stepped up efforts to tackle blood feud, including issuing revised instructions to local police services and further toughening sentences to offenders through amendments to the Albanian Criminal Code. The Albanian Criminal Code was reinforced during 2014 to provide for stiffer penalties for those convicted of blood feud killings of up to 30 years

imprisonment. The government has also taken steps to tackle the problem of fake blood feud certificates and documentation. A number of arrests have taken place during 2014.

Note on earlier Country Information Guidance

Previous Country Information Guidance on blood feud in Albania cited a 2002 NGO report in which it was claimed that “most of the houses in Northern Albania look like fortresses built of stone, with small apertures serving as windows. Even to date many Albanians shut themselves inside their houses where they remain isolated for life in order to escape from blood vengeance”. This is simply not true. Embassy staff travel widely to all parts of Albania. Most towns in northern Albania are bustling provincial centres with no sign that “many Albanians shut themselves in for life”. The passage bears no relation to reality and is misleading. There remain a small number of such towers, but these are historical relics.

Yours sincerely,

Deputy Head of Mission
British Embassy Tirana

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Annex A(3): FCO letter dated 17 February 2016



British Embassy
Tirana

British Embassy Tirane

Rruga "Skenderbej "

Nr.12

Tirane

Tel: 04 2234973

Fax: 04 224 7697

www.fco.gov.uk

17 February 2016

Country of Origin Information Service
Immigration and Border Policy Directorate
40 Wellesley Road
CR9 2BY

Dear Colleague,

RE: ALBANIA: Expert Witness Report: Blood Feuds

The British Embassy in Tirana has been asked by the Home Office's Country Policy and Information Team to comment on a recent "Expert Witness Report" which describes the phenomenon of Blood Feud, and the more general political situation in Albania.

We consulted with the sections at the British Embassy in Tirana which have researched cases through field visits and with contacts with local government, NGOs, police, prosecutors and social services, churches and mosques as part of their work. The British Embassy Political Section was also consulted. Given this range of Embassy sources and external, it is possible to judge that Blood Feud in Albania is extremely limited in both numbers of actual cases, and in geographical location. It is also possible to conclude that the Expert Witness Report is based on out of date source material, and without reference to recent reform and progress in Albania.

Albania has made considerable progress in recent years as it undertakes reform in order to position itself for the opening of negotiations for accession to the European Union. Albania achieved EU Candidate Status in 2014. The government's crackdown on the criminal industry that package so

called “bloodfeud” asylum claims which included new instructions to police and prosecutors is notable.

References to Kanun law are misleading bearing little relation to modern Albania. Field visits by embassy and FCO staff have established through interviews with police, prosecutors, NGOs and religious organisations that the scale of “blood feud” is very limited by comparison with the misleading reports produced in support of asylum claims in the UK and elsewhere. A recent 2015 OSCE report drew similar conclusions: that the scale of the issue was very limited.

It should also be noted that much of the negative comment in the Expert Witness Report has little bearing on asylum claims relating to Blood Feud. Various negative and inaccurate comments appear to undermine the report and expose its lack of credibility. For example:

- *Paragraph 1.12: in 2010 Albania was refused EU Candidate Status pending effectively minimizing corruption and other problems.*

This overlooks the fact that Albania has been granted Candidate Status as a result of its reform efforts.

- *Paragraph 1.16: ...comments on the rise of nationalism...*

This is misleading. A small nationalist party was roundly rejected at Parliamentary elections in 2013. Nationalism is not a feature of politics in Albania, which is held up as a model of regional cooperation. Nationalism has no bearing on the case in point.

- *Chapter 2: Bloodfeuds and the law in Albania*

As outlined above, Kanun law has little bearing on modern Albania. Blood feud was stamped out during the regime of the dictator Enver Hoxha, when penalties for feuding families were harsh. But the collapse of the regime in the early 1990s, and the law enforcement vacuum left in remote areas of the north by the absence of a functioning state, left space for revenge killings to reassert themselves. But modern revenge killings appear to bear little resemblance to the codified, almost ceremonial aspects of “Kanun” based blood feud. From the 1990’s NGOs and faith groups have worked on the problem. In the case of some NGOs this has led to the development of an industry around blood feud and irregular migration, and, coupled with uncertain official statistical data, an exaggeration of the claimed numbers of affected people. Machinery of the state, such as functioning police, and prosecution services exist. Embassy research including interviews with local police, prosecutors, NGOs, and faith based groups indicate that the incidence of blood feud is limited to very small numbers of cases.

- *Paragraph 2.21: ...debate concerning the numbers of ongoing bloodfeuds...*

Blood feud is a phenomenon in sharp decline in Albania, largely restricted to remote pockets in the mountain north of the country. But its manipulation to justify asylum claims in the UK and elsewhere has created a parasitic “blood feud industry” among corrupt NGOs and local officials. Recent UNHCR and OSCE reports support the embassy’s findings that while official records vary, the numbers of families affected by the phenomenon are very limited. The embassy also noted evidence of false attestation letters, and non-governmental organisations with a vested interest in exaggerating numbers for monetary gain. The embassy also noted the Albanian government’s determination to tackle the blood feud industry through police action and instructions to local prosecutors.

Statistics about the numbers of people affected by blood feud vary greatly. At one end of the scale are certain NGO’s with vested interests in inflated numbers, who claim that more than 1000 families

are affected. At the other end, local units of the State Police tend to estimate the lowest numbers. Most interlocutors, including from the NGO groups interviewed, suggested that the figures of local prosecutors were likely to be the most accurate. These figures are toward the lower end of the spectrum, slightly higher than police records, but much lower than some of the more outlandish NGO estimates. Prosecutors, we were told, have the most accurate numbers because any judgement issued by an Albanian court can be verified through the Prosecutor General. Regional prosecutors have access to this information. Indeed, the prosecutor for the Skhodra district offered to share such data with UK agencies through an MoU which would allow for requests to be processed in a manner consistent with Data protection laws. All interlocutors suggested that the incidence of blood feud is declining. Despite the declining trend, local authorities are active. Police and criminal justice system representatives monitor, record, and provide a degree of protection to affected families. The authorities also prosecute perpetrators. Municipalities, while facing budgetary constraints, offer social service support, home schooling and medical/psychiatric assistance to victims of blood feud. Faith groups, especially the Catholic Church and local mosques, cooperate inter-denominationally in an effort to address the problem with valuable work in supporting affected families, and leading efforts to reconcile conflicts. Faith groups tend to work without the driver of financial gain.

Vested interests and criminality play a key role in inflating the sense of the scale of the phenomenon. The Albanian press, hungry for sensation, report murders as blood feud, even in cases of straightforward gangland murders. Some local journalists have reportedly accepted money to report a murder as blood feud in order that family members might then use the invented blood feud in an asylum bid. Others have simply invented a story, without a dispute having taken place, for the benefit of two families' immigration plans. Corrupt and rapacious NGOs and local officials also blur definitions. Fake "blood feud" certificates are easily available for a price from both NGOs and local officials. This was highlighted in a media sting against a well known head of an NGO who is referred to in UK operational guidance. He was filmed accepting cash in exchange for support for a fake blood feud claim. When an embassy delegation visited northern Albania to investigate the extent of blood feud, the prominent individual declined to meet, but continues to represent UK Albanian asylum claimants in a self declared "expert witness" role.

The Albanian government no longer recognises blood feud "certificates" from NGOs, police or local government offices. In discussions other NGOs advised us not to extend asylum to claimants as this would, in genuine cases, only exacerbate the situation for relatives remaining in Albania. The only real solution is reconciliation of the parties in Albania.

The embassy field visit confirmed a generally declining trend in the incidence of genuine blood feud in Albania. Modern blood feud is very limited, and few cases can really be defined as such, many either being fraudulently invented cases, or simply cases of common criminality and revenge. Conversations with almost all interlocutors highlighted that reference to blood feud "certificates" either produced by NGOs or by local officials was largely pointless. Other embassies in Tirana take the same view. In his 2010 Report of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, the author Phillip Alston arrived that the view that "the correct numbers are much closer to those provided by the Government, especially in relation to killings". Having taken the views of a wide range of officials and charity workers, the Embassy agrees with this view, and also takes encouragement from the local and national government response to the problem.

- *Chapter 4: Ineffectiveness of Police and other institutions in protecting vulnerable citizens*

While it is true that Albania suffers from many of the issues that other transition countries experience, it is misleading to portray Albanian police and institutions as ineffective. Across a range of bilateral justice and home affairs work, Albanian law enforcement agencies and institutions have proven to be reliable partners.

This letter has been completed by staff of the British Embassy in Tirana entirely from information obtained from the sources indicated. The letter does not reflect the opinions of the author, or any policy of the Foreign and Commonwealth Office. The author has compiled this letter in response to a request from the Home Office and any further enquiries regarding its contents should be directed to the Home Office.

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Version Control and Contacts

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email [the Country Policy and Information Team](#).

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email [the Guidance, Rules and Forms Team](#).

Clearance

Below is information on when this version of the guidance was cleared:

- Version: **2.0**
- valid from: **6 July 2016**
- this version approved by: **Sally Weston, Deputy Director, IBPD**
- approved on: **27 June 2016**

Changes from last version of this guidance

Updates to country information.

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