

HUMAN RIGHTS COUNCIL

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Stakeholder's Submission on:

The Human Rights Situation in

ALBANIA

Submitted by:

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(NGO in Consultative Status with ECOSOC)



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INTRODUCTION

APG23 is a catholic international association founded in Italy by Fr. Oreste Benzi. Its activities in the world of poverty and marginalization brought to the direct sharing of the life with the poor in 1973 when the first family-home was opened. The Community is now present in _____ countries of the five continents. The Association has Special Consultative Status with the United Nations Economic and Social Council (ECOSOC) and its commitment at the UN is the result of sharing the life with the poor and is the fruit of the international elaboration and synthesis of the action for the removal of the root causes which create injustice.¹

FOCUS ON RECOMMENDATIONS (A/HRC/27/4)²

Recommendations n° 104.4, n°105.15, n.°105.16, n°106.8, n°106.9- Blood Feud

(Public Security- Rights of the Child - National Human Right Institution)

1.SOURCES

In this report, cases of *hakmarrja* and *gjakmarrja*³ are described using the term “blood feud”. The report focuses mainly on the north of the country where APG23 has a presence together with Operazione Colomba (OC)⁴ that is is the APG23-Nonviolent Peace Corps, but does not entirely ignore the other parts of Albania.

The civilian peace corps in OC are made up of groups of civilians who go into armed conflict environments as third parties with the aim of protecting human rights and civilians, preventing dispute escalation, building confidence and creating nonviolent solutions to disputes using nonviolent instruments. Since 1992 Operazione Colomba has been involved in nonviolent civilian peacekeeping, **peacemaking** and **peacebuilding** in several armed conflict’s areas (e.g. the former Yugoslavia, Sierra Leone, Kosovo, East Timor (Indonesia), Chiapas (Mexico), North Uganda, etc.). Today, Operazione Colomba is working in Israel/Palestine (since 2002), Colombia (since 2009), Albania (since 2010) and in Lebanon alongside Syrian refugees (since 2013).

OC has had a permanent physical presence in the Shkodra area since March 2010 and a monthly presence in the Tropoja area since October 2010. For over **eight** years its Italian and Albanian volunteers have been working to provide nonviolent ways of containing and resolving disputes arising from feuds between families. OC works with the people directly involved in feuds, with Albanian society, Albanian institutions and international institutions in general. Our volunteers meet feuding families on a daily basis. By living in close contact with them, our volunteers can share their difficulties, problems and risks to build up credible and trusting relationships.

Since 2005 the contacts the Italian and Albanian workers of Comunità Papa Giovanni XXIII Association have made with feuding families have enabled them to understand, monitor and report the practice of blood feud. APG23 has asked Operazione Colomba to help produce a strategy for the nonviolent resolution of disputes triggered by blood feud situations.

The APG23 has also a presence in Tirana (reception facility for the homeless), in the village of Nenshat (therapeutic community), in Shkodra (two family houses). Since 2011 Operazione Colomba has been monitoring the cases of *hakmarrja* and *gjakmarrja* reported in the Albanian and international media, especially since 2013.

¹See www.apg23.org

²Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/076/77/PDF/G1407677.pdf?OpenElement>
Human Rights Council Twenty-seventh session Agenda item 6 Universal Periodic Review Report of the Working Group on the Universal Periodic Review* Albania.

³**Vendetta (hakmarrja) was a violent reaction to an injustice suffered but was not necessarily proportionate to the harm suffered. If vendetta took the form of murder, this could trigger a blood feud (gjakmarrja). Gjakmarrja could trigger a feud because it meant killing the murderer. This can produce long chains of killings between feuding clans.**

⁴See www.operazionecolomba.it - Operazione Colomba, the Nonviolent Peace Corps of the Association Comunità Papa Giovanni XXIII.

OC on December 2017 has published "Descriptive Document on the Phenomenon of *hakmarrja* and *gjakmarrja* to raise awareness among albanian and internationale institutions" III Edition"⁵

At December 2017 the Operazione Colomba database included 550 cases of injury, attempted murder and murder caused by *hakmarrja* or *gjakmarrja*. Some articles specifically refer to blood feuds, while others have been classified as such by OC staff based on the information they contain and typical motives for blood feud. Yet other cases are still being monitored to check future developments.

Of the 550 cases in the database, 48 are believed to be caused by *gjakmarrja* and 275 by *hakmarrja*. Some blood feuds are the result of previous *hakmarrja* that has degenerated into one or more cycles of *gjakmarrja*. The other cases are being monitored for possible eruption into blood feud. Compared with Operazione Colomba's 2014 statistics, over the three years of the new period examined (January 2015 to December 2017) there have been 141 new cases of *hakmarrja* and 15 new cases of *gjakmarrja*. The database shows that most causes of *hakmarrja* and *gjakmarrja* are connected with property, previous disputes or honour. These are followed by other reasons such as: petty reasons, verbal provocation, settling of accounts, debt, work problems and fear of vendetta for an offence that causes the culprits to attack first.

The cities with the largest number of *hakmarrja* and *gjakmarrja* events are (in decreasing order): Tirana (86), Shkodra (46), Durrës (36), Vlora (17) and Lezhë (12). These are followed by: the region of Kruja/Fushë-Kruja, Fier, Tropoja and Laç, Elbasan, Berat, Pogradec, Dibër, Malësi e Madhe, Lushnjë, Saranda, Puka, Tepelenë, Kukës, Mirdita, Gjirokastrë, Dukagjin and Korçë.

In addition to blood feud within Albania, we are also unfortunately seeing the export of vendetta, where some cases are continued even outside the country. According to Operazione Colomba's database, since 2013 a number of blood feud murders were committed in the following countries: 11 in Italy, 4 in Greece, 2 in Belgium, 2 in France, 2 in Germany and 2 in the Netherlands. These are followed by 1 in Kosovo, 1 in Montenegro, 1 in the UK, 1 in the Czech Republic, 1 in Sweden, 1 in Switzerland, 1 in Canada and 1 in the USA.

The age of victims varies widely between 9 and 91 but most are between 20 and 60. The vast majority of victims are men (508 cases out of 550) but the number of women is also not small (42 cases out of 550). Women are included not only for the above reasons but also because of domestic violence due to the conditions of self-confinement which often can lead their men to alcoholism.

This is a constantly growing, not decreasing, phenomenon that is generalised from many viewpoints because it concerns many places across Albania and is spreading abroad as the Albanian nationals, caught up in it, move outside the country, and it affects people of all ages and both sexes and wide periods of time up to the present day. Examination has shown that the dynamic of the phenomenon means that it is moving ever further from the original rules set out in the Kanun and is increasingly able to adapt to the needs felt in each new situation.

The data available varies considerably, depending on the source. There are three types of source: Albanian institutions; Albanian and international associations on the ground; and international organisations. Data published by any one of these sources is often used by the others. Information collected from these bodies consequently often overlaps.

Albanian institutional sources include the Advocate of the People and the Government of the Republic of Albania. Data collected by the Advocate of the People between 1990 and 2012 mentions 6000 deaths caused by *gjakmarrje*. Government data 1991-1995 mentions 953 murders, of which 9.5% caused by *hakmarrje* or *gjakmarrje*. In 1997 alone, the Albanian Police identified 1542 murders and 2910 families injured or involved in *hakmarrje* or *gjakmarrje*⁶. In 2012 the Interior Ministry issued the first official estimates of *gjakmarrja*. These showed 225 murders resulting from *gjakmarrje* over

⁵ Available at: https://www.operazionecolomba.it/docs/Report_ING-2017.pdf

⁶ Albanian Police 2012 report on blood feuds.

12 years (1998 to 2012⁷). Interior Ministry statistics show that the 225 murders represent 7.9% of all crimes committed.

2. CONCERN

Seen from the inside, vendetta is a contradiction in the neither entirely modern nor entirely traditional society of Albania today. It occurs against a background of developing civil and political awareness, where social movements to defend particular rights are still fragmentary and education in human rights is needed in primary and secondary schools.

Seen from the outside, vendetta is preventing the country joining the European Union because it is a violation of basic human rights. One of the conditions for Albania joining the EU is the rooting out of the practice. The EU does not allow private systems of justice. Vendetta also creates public order problems, not just domestically but internationally too since a number of cases of gjakmarrje and hakmarrje have occurred outside Albania (see above §1.).

In 2014 the Shkodra Prosecutor, encouraged by the Tirana General Prosecutor, began to map the families that were victims of blood feud, focusing particularly on self-confined families. An anti-blood feud plan has also apparently been approved by the Directorate General of Police⁸. There have also been cases of police bodies monitoring and controlling vendetta's situations to prevent their degeneration.

On 5 March 2015 the Albanian Parliament passed a "resolution to prevent blood feuds in Albania", publicly admitting that they exist and declaring that it is the State's duty to deal with and eradicate them. It also admitted that the government has not done enough to eradicate them. In the resolution, Parliament condemns the failure to implement law 9389/2005 and requests assistance in this from a number of State bodies: the Police, the Ministry of Education and Sport, the Ministry of Welfare and Youth, and from the public administration as a whole.

The Advocate of the People (Ombudsman), which has been given responsibility for blood feuds by Parliament, has been widely concerned in handling them. In December 2015 it published its second official report⁹ on the phenomenon in which it recommends implementation of law 9389/2005 and the involvement of a number of Albanian institutions.

Even though law 9389/2005 has not been implemented, initial collaboration began in 2015 in Shkodra, promoted by the OSCE and the Advocate of the People and involving a number of different local government bodies and society itself. Meetings were organised in March, April and September with representatives from the Municipality, the Prefect, Social Services, the Employment Office, representatives from the Prosecutor's Office and from society in general, including OC. These initial meetings have not however been followed up.

In November 2016 the Albanian Interior Ministry promoted a campaign to raise national awareness that might have had an indirect impact on blood feuds. Entitled *Mos gjuaj, por duaj!* (Don't Shoot, but Love!), the campaign against the illegal holding of firearms could have helped reduce the number of cases in which a dispute can easily degenerate into a killing¹⁰. It is the wide holding of firearms and even weapons of war (e.g. *kalashnikov* rifles) in the country that often leads to irreversible consequences after disputes over minor matters. The campaign was to allow illegally held arms to be handed in without criminal charges up to 30 April 2017.

⁷ The source, the *Gazeta Shqiptare* newspaper for 17 October 2012, does not give figures for 2002 and 2010.

⁸ See Mid-Term report of Albania on the implementation of the recommendations received during the second cycle of Universal Periodic Review (UPR), March 2017, pg. 8.

⁹ See *Raport i veçantë "Mbi fenomenin e gjakmarrjes në Shqipëri"*, December 2015.

¹⁰ The campaign was promoted in partnership with UNDP - SEESAC South Eastern and Eastern Europe Clearinghouse for the Control of the Small Arms and Light Weapons.

Unfortunately the campaign did not have the desired results and the arms handed over to the police were only a tiny proportion of those that Albanian citizens are assumed to hold. Nevertheless, on 22 May 2017 Albania announced the creation of a National Light Weapons Committee to impose greater control on the holding of weapons in the country.

With regard to the right of access to education, on 13 August 2013, **the Directive No. 36** (Procedures for the education of children in self-confinement¹¹) was issued. It legally requires local education authorities to implement education programmes for all children identified as being confined in connection with a blood feud. In September 2017 Shkodra's regional education authority sent the municipalities of Shkodra and Vau Dejes and the local police an order¹² to collaborate and provide information on children in self-seclusion since investigations at local schools had so far failed to identify any child in self-confinement.

With regard to the right to education, a primary school home schooling programme is available (first school cycle or *shkolla 9-vjeçare*), thus apparently ensuring access to primary education.

Concerning the direct protection of victims however, police investigations have not always produced the desired results. For example, the murder of a 70-year old man and his 17-year old granddaughter on 14 June 2012 in connection with blood feud has yet to lead to justice being done. The ensuing feud has continued with another attempted murder. If the State cannot provide justice, forms of private justice may re-emerge. Despite the many calls for light on the case by society, the persons guilty of the double murder have not yet been identified. At the same time in another case, pressure from the Advocate of the People encouraged the Prosecutor's Office to pay particular attention to the needs of the family of the victim of a murder caused by a family feud.

Legal action taken by the Albanian State to toughen penalties does not always produce tangible results when applied. The victim's family, which is not a party to the criminal proceedings, is often overlooked. The State therefore concerns itself - not always consistently - with punishing the guilty but fails to consider the victims.

Focusing on the victims in the Albanian context of family vendettas is essential to reducing the tension between the clans involved and thus avoiding continuation of the feud.

Since 2010 Operazione Colomba's relationship with Albanian institutions has become increasingly one of mutual trust and collaboration. Since the "5000 signatures for life" campaign in 2013, a number of institutions have helped collect signatures (including a number of MPs who are members of the Albanian parliament's parliamentary commissions) and - like the then President of Albania, Bujar Nishani - have praised its aims. In 2014 the Albanian institutions promoted and supported the "*Change? It's possible! A crowd moves for peace against blood feud*" Peace March launched by Operazione Colomba together with other associations to promote a culture of life, peace, forgiveness and reconciliation, and to give a higher profile, including at the international level, to the blood feud problem. The success of the campaign was reported in Albania and internationally.

In 2016 another national awareness campaign, "*Together we can build Reconciliation!*" was launched, focusing on two cities, Shkodra and Tirana, and with two aims: to remember the victims of blood feud and to obtain a commitment from local and national institutions to fight against it. Round tables with institutions were organised in both towns thanks to help from the Advocate of the People. The main aim was to renew the commitment to preventing and fighting against blood feud and to developing a common strategy, as stated in the document¹³ that was then produced and shared.

¹¹Udhëzimi no. 36 "Për procedurat për arsimin e fëmjiëve të ngujuar", 13 August 2013.

¹²Drejtorja Arsimore Rajonale Shkodër, Sektori i shërbimëve të Përgjithshme, Kërkesë për informacion no. 2277, 13 September 2017.

¹³The final document is available at: http://www.operazionecolomba.it/njepopullkundergjakmarrije/wp-content/uploads/2016/05/COMMITMENT-TO-FIGHT-AND-PREVENT_ENG.pdf

5. RECOMMENDATIONS

Based on this analysis, APG23 offers institutions a number of suggestions to help promote the elimination of blood feud in Albania by involving society and feuding families.

- Support mediation between families who are the victims of a blood feud and the creation of a national reconciliation process through restorative justice and mediation counselling.
- Reform the State justice system through: fight against corruption; pre-trial detention for anyone committing an offence connected with a blood feud; ensure sentences are served; ensure justice is the same for all.
- Introduce legal/institutional instruments that promote the elimination of the phenomenon and recognise and fight anything that causes or prolongs vendetta, such as the law on the civil mediation of disputes (Law 10385 of 24.02.2011).
- Amend and implement law 9389 of 4.05.2005 to set up a Coordination Council on blood feuds
- Systematically introduce educational and cultural programmes based on the nonviolent management of disputes, education in peace, reconciliation and respect for human rights in schools, places of work and in the most important centers of social integration.
- Take steps to ensure the safety of Albanians who are the victims of vendetta and to ensure they are able to access basic services (hospitals, places of work, schools, etc.).
- Set up a compensation and support fund for families who are bereaved as a result of vendetta.
- Within the Police, set up an *ad hoc* emergency service to deal with cases of blood feud.
- Introduce and implement special prison programmes and associated reeducation and reintegration plans for prisoners who have committed blood feud offences.
- Introduce standard criteria for identifying families involved in blood feuds.
- Publish official data on the actual extent of blood feuds.
- Create a social State dedicated to dealing with the structural factors that enable the phenomenon to exist and to contributing to the economic and cultural development of society and to the delivery of services.

A number of the above suggestions were already stated in 2014 during the second UPR cycle so *finally, on reporting and follow up of the third UPR Cycle, we would like to recommend the following: Ensure the effective implementation of UPR recommendations through the establishment by the time of the mid-term review of the current cycle, of a permanent governmental mechanism to liaise with relevant ministries and consult with civil society, National Human Rights Institutions (NHRIs) and all relevant stakeholders.*

ANNEX: ALBANIA – BLOOD FEUD

Operazione Colomba's experience and best practice



NONVIOLENT PEACE CORPS OF ASSOCIAZIONE
COMUNITA' PAPA GIOVANNI XXIII- APG23

1. COLLABORATION BETWEEN ALBANIAN INSTITUTIONS AND OPERAZIONE COLOMBA

1.1 STATE INSTITUTIONS

Since 2010 Operazione Colomba's relationship with Albanian institutions has become increasingly one of mutual trust and collaboration. Since the *5000 signatures for life* campaign in 2013, a number of institutions have helped collect signatures (including a number of MPs who are members of the Albanian parliament's parliamentary commissions) and - like the then President of Albania, Bujar Nishani- have praised its aims.

In 2014 the Albanian institutions promoted and supported the "*Change? It's possible! A crowd moves for peace against blood feud*" Peace March launched by Operazione Colomba together with other associations to promote: a culture of life, peace, forgiveness and reconciliation; to give a higher profile, including at the international level, to the blood feud problem; and to encourage the Albanian institutions to take a strong stand by implementing in full law 9389 of 4 May 2005. In ten days around 10.000 people had been made aware of blood feuds and reconciliation. The event included the signature by participants and supporters of an appeal stating the aims of the initiative and giving a commitment by all involved to promote reconciliation at the personal, social, legislative and institutional levels. The appeal was signed by 2681 people, almost all of whom were Albanian. In addition to the associations, the Advocate of the People and other representatives of local institutions taking part in the initiative, the appeal was also signed by the then representatives of public institutions: the President of the Albanian Parliament, Ilir Meta, the Minister of Local Affairs, Bledi Çuçi, the President of the Parliamentary Commission for National Security, Spartak Braho, the President of the Parliamentary Commission for Membership of the European Union, Majlinda Bregu and the mayors of Puka and Laç Vau Dejes. Another 253 people living in a number of countries around the world signed the petition on-line. The success of the campaign was reported in Albania and internationally.

In 2015 at the time of the Albanian local elections, Operazione Colomba launched a new initiative to raise national awareness. During the electoral campaign all candidates for the position of mayor were sent a questionnaire about blood feuds in order to get the future representatives of Albanian society to state their real commitment to eradicating the practice. The same questionnaire was also

sent to the new mayors to remind them of the commitments they had given their electorates. The results (replies received and failures to reply) have been published on a blog <http://www.kundergjakmarrjes.org/> - which is easy to access on-line and is in three languages to make easy reading for the Italian, English and Albanian-speaking publics.

The campaign showed a general lack of interest by local institutions in blood feud.

The number of pre-electoral replies received was very small (7 replies from 162 candidates), but this improved after the elections (24 replies from 61 mayors).

Another important result was the origin of the replies: most came from the south of the country, the area traditionally least affected by blood feud.

In 2016 another national awareness campaign, "*Together we can build Reconciliation!*" was launched, focusing on two cities, Shkodra and Tirana, and with two aims: to remember the victims of blood feud and to obtain a commitment from local and national institutions to fight against it. As part of the first aim, a mural was dedicated to the victims of blood feud in Shkodra and a plaque was given to the Palace of Culture in Kamëz (Tirana). Until 2016 there were no monuments or commemorative plaques to the victims of the phenomenon anywhere in the country. This was a way of giving some form of public justice to the victims' families. As part of the second aim, the institutions, forming part of the Coordination Council on blood feuds, were invited to meet to work together to produce a common strategy against the phenomenon, even though law 9389/2005 had not been implemented.

Events were organised over three days of public meetings attended by the inhabitants of Shkodra and Kamëz, just outside Tirana. Each of the two events included a public meeting in the town square on the subject of forgiveness and reconciliation, a showing of the film *The forgiveness of blood* and an interview with the leading actress in the film, Sindi Laçej, who also attended and a mural to remember the victims of blood feud which people can still see. Round tables with the institutions were organised in both towns thanks to help from the Advocate of the People. The main aim was to renew the commitment to preventing and fighting against blood feud and to developing a common strategy, as stated in the document that was then produced and shared. Even though a number of institutions did take part in the two round tables, the meetings led to no common initiatives.

Institutionally, only the Advocate of the People continued to collaborate in cases of individual families caught up in blood feud.

Recently a number of institutions in the Shkodra area have organised activities in response to the consequences of the phenomenon. In 2015 for example, Shkodra Social Services organised a number of training courses for women belonging to feuding families to help integrate them into the world of work. And since 2016 some members of Shkodra Social Services have become involved with some families reported by Operazione Colomba to help meet a range of social needs. Thanks to the mutual trust that has developed, collaboration is direct and effective.

1.2. RELIGIOUS INSTITUTIONS

Collaboration with religious institutions has always been real and effective from many viewpoints. In terms of relations with blood feud families, local priests and imams have often handled particular cases alongside volunteers in the field, working together to support the victims in the path towards reconciliation. Representatives from the Catholic Church and the Muslim Myftinia in Shkodra and Tirana have also always taken part in Operazione Colomba awareness campaigns, becoming personally involved in local and national campaigns.

The representatives of the various religious groups in the country have also implemented a range of strategies to fight blood feud. In 2012 the bishops of northern Albania united to issue a letter excommunicating anyone who kills for vendetta and receiving back into the Church only those who repent of their violent acts.

In 2014 after the March for Peace, Operazione Colomba met the Papal Nuncio in Tirana and discussed with him its strategy for action to eradicate blood feud.

The Catholic Church also took advantage of the Pope's visit to launch a proposal of prayers that officially promote a three-stage path to reconciliation: reconciliation with oneself and one's past;

reconciliation with God; reconciliation with others. On this final point the Church made a strong appeal to all feuding families to abandon vendetta.

In March 2017 the diocese of Shkodra gave Operazione Colomba the space and a framework in which to present to the public the book “*Il perdono è un bel guadagno*” (Forgiveness is a great benefit) intended to support anyone wishing to go down the path of reconciliation to put an end to a blood feud.

2. MEDIATION COUNSELLING

Just as the dynamics of blood feud disputes are changing with time, so the ways they are resolved can also change if this will make them more effective at ending disputes.

Mediation is an alternative dispute resolution technique that brings a third party (who may be an individual, an organisation, community, group etc.) into the dispute. Mediation helps the parties determine the facts, understand the reason for behaviours, accept different viewpoints, identify common interests, recognise that all the parties to a dispute have equal rights and duties, accept the contributions made by the parties and generate new ideas that will lead to agreement.

The Albanian Kanun tradition recognises mediation as a way of resolving disputes and feuds. In the Kanun, reconciliation is the final stage in mediation. Traditional peace-building practices are rooted in local communities and include methods applied from the XIX to the XX centuries, a number of which were taken up again after the collapse of Communism. Traditional approaches are closely linked to the local socio-cultural environment. The code therefore allows two rights/duties: the taking of blood or forgiveness of the other family. Forgiveness is achieved through mediation. Mediators are community figures whose moral authority allows them to guide the mediation process by influencing the views and behaviours of the feuding parties. Mediators can be religious figures, *bajraktar*, missionaries of peace, individuals or clans who are not related to the feuding clans.

Deference is paid to mediators as the expectations of them are high. Depending on local community traditions, the higher the mediator’s social status, the more authoritative and worth of respect his opinion is. For example, in the religious sphere, Catholic and Orthodox priests usually mediate between feuding Catholic and/or Orthodox families with a reconciliation ceremony conducted by a bishop. In Muslim clans, the mediator is an imam, who also seals the reconciliation between them. If the feuding families are of different religions, their religious representatives work together to organise the mediation and together celebrate the reconciliation.

Mediators can work alone or in groups to give more weight to their actions. Albanian tradition allows waiver of blood feud through *pajtimi i gjakut* (blood reconciliation).

Until the first half of the XX century, blood peace was based on formal procedures that ended with amicable settlement of the crime thanks to third party intervention, a general *besa*¹⁴ and collective conciliation at spontaneous assemblies. During long talks mediators sought to achieve an agreement between the parties. Asking that the offender be forgiven and reconciled with his clan involved considerable effort on the part of the victim’s family and could lead to problems for the mediator himself.

Pacification was achieved by sending persons of respect and old mediators to emphasise that forgiveness meant honour, *burrnija*¹⁵ and *besa*¹⁶. This could also be achieved through the intervention of several authoritative relatives of the victim.

All bereaved family members had to agree to pacification and if the head of the family was very young no decision could be made until he became an adult. The mediators then “dusted down” the old Kanun laws to complete the mediation with blood reconciliation. Reconciliation concluded with a formal ceremony involving the close family, the religious mediators in the home of the victim and the guarantors, or the guarantors along with the heads of the families, the members of the house, the

¹⁴General truce or general reconciliation.

¹⁵*Burrnija* comes from the word *burrë* (man) and signifies virility or 'being a man', i.e. a person who is virtuous and worthy of honour, who is dedicated to his clan and his family.

¹⁶*Besa* is a promise binding an agreement (word of honour).

representatives of the House of Gjomarkaj and the flag¹⁷. Once the agreement was made, pacification was celebrated by a meal attended by both parties.

Today, these procedures can also include innovative mediation methods. Some of the traditional features of mediation and reconciliation have had to be embedded in the culture while introducing innovation and adapting them to modern feuding to make them more effective in ending disputes. A number of these new procedures are shown below.

- Individuals and independent groups tied to bodies or associations can act as mediators, contrary to tradition. Mediators can also be foreign religious figures since the Kanun is applied in bastardised form and Albanian mediators could find themselves and their own clans threatened.
- Women are involved to improve communication with bereaved women and give them positive advice in the decisions they must make.
- Problem-solving, narrative and transformative types of mediation. Problem-solving mediation seeks to negotiate the interests and needs of both parties. The mediators help the parties think about the negative impact of revenge compared with the positive impact of forgiveness. Mediators can also help achieve a financial agreement, which has been used in the past to indemnify victims. In these cases the third parties have to realise that long-term peace will depend more on full acceptance of the reconciliation decision than on the traditional financial compensation.
- Narrative mediation instead involves recognising the pain caused by the dispute and also the hope that transpires through the victims' narratives and offers a constructive way of ending hostilities. When a third party explains this second aspect, the steps the sides must take to turn the hope into reality become clear. This enables the mediators to help the victims manage and channel their negative emotions constructively while, at the same time, rationalising their emotional experience to create a new dispute narrative that offers a way of transforming hostile relations.
- Transformative mediation changes the way those involved think, through empowerment and mutual recognition. Empowerment increases group and individual understanding of their ability to manage and resolve problems constructively. Recognition promotes understanding, the development of empathy and approval of the other person and his views.
- Sharing, active listening and *equivicinanza* (equal proximity) to both sides enable the mediator to gain the trust and credibility needed to direct the mediation towards reconciliation. Mediators in feuds between families are able to share the suffering of all involved through active listening. They can help families manage their emotions constructively and channel in a positive direction the anger they feel at the injustice they have suffered. They can help heal emotional wounds. This enables both sides to redefine their pain, bereavement and dispute.
- Dialogue means using words to give positive counselling in family decisions and to build an agreement shared by both sides by moving them towards nonviolent management of their dispute.
- Developing empathy to help the parties put themselves in each other's shoes, to change the negative perception each has of the other.
- Restorative justice, using the positive elements of traditional Albanian culture, such as forgiveness and reconciliation, can be the catalyst that helps victims of feuds let go of their hate and anger. During counselling, victims can be supported as they explore their personal experiences, while the relatives of the culprit can take concrete action to compensate the victims and make good the damage to them.
- The forgiveness and reconciliation ceremonies may take place in public to ensure long-term peace between the families because they are performed before the community, authoritative religious figures and in sacred places. Publicising the event can also have a positive effect on social pressure.
- Persons whose presence gives support to the parties as they decide in favour of reconciliation, during mediation and after the reconciliation ceremony, ensuring that good relations between both sides are maintained.

Positive social pressure that draws on the positive elements of traditional local culture can also be maintained through awareness action that targets society.

Mediation takes a long time. In many cases, even though the mediation does not lead to official

¹⁷Clan succeeding Prince Lek Dukagjini that acted as judge and enforcer of traditional law until the end of the first half of the XX century.

reconciliation between the parties, it does reduce the tension between them and enables the victims of the dispute to continue to lead their lives and get back to normality. The bereaved can start planning their futures. The relatives of the offender can leave fear behind.

3. GENERAL RECONCILIATION PROCESS

The general reconciliation process is based on restorative justice, which reintegrates the victims and perpetrators into society. Restorative justice encourages recovery, *rapprochement* and forgiveness processes in which both victims and killers play an active role. Where the criminal harms or destroys relations between individuals or groups, restorative justice has the task of creating the basis for new relations between them. Restorative justice encourages change in the way the two sides perceive each other by restating and healing the emotions felt by each social player.

Victims and killers are rehabilitated by separating the individual or group from the crime, through a process that restores each other's humanity and in which the narration of personal experience confers dignity on both narrator and listeners.

The success of restorative justice is measured not in terms of sentence length but of the extent of the compensation and rehabilitation achieved. Once clear example of restorative justice is reconciliation. General reconciliation processes create an environment in which the offender is motivated to make a positive and long-term change in the situation and in his relations with the victim. In group disputes in particular, punishment of the criminals does not prevent either them or their successors from continuing to hate and desire revenge.

Reconciliation therefore requires the creation of institutions that will guarantee truth and justice. These may include: truth and reconciliation commissions, courts, rehabilitation and compensation measures, depending on legal capacity and the nature of the social divisions concerned. General reconciliation procedures are also not permanent, being completed within a given timeframe so that restorative justice can remedy the violations of human rights, including those caused by private forms of justice, and promote the justice of the State.

Analysis of the causes of blood feud¹⁸ shows that State presence, the promotion of cultural transformation, enforcement of the law and protection of citizens' rights could contribute to eliminating the phenomenon. This would also rebuild communities' trust in the State.

The general reconciliation process can take these factors into account because it includes meetings open to both community leaders and the victims of crime, support for the offender through the rehabilitation process and compensation to the victims.

Above all, restorative justice requires a particular form of implementation that suits the Albanian context and helps eradicate blood feud. Restorative justice in the form of "reconciliation in return for State justice" could be the basis for the Albanian general reconciliation process. Adopting restorative justice would promote the operation of State justice and encourage reconciliation as a way of ending existing disputes and preventing others. Through mediation, restorative justice would therefore put a permanent end to feuds and ensure sentences are served. Mediation could be conducted privately to protect the families involved, particularly those of the victims.

Reconciliation between feuding families would protect the relatives of the criminal from vendetta and release them from self-confinement. It would also enable the criminal himself to return to a normal life without fear of repercussions once he has paid his debt through the justice of the State. Criminals who are still on the loose could give themselves up to enable reconciliation between the parties, which would ensure their own safety once they have served their sentences and protect their families from vendetta.

Second, in order to overcome the social unrest caused by blood feuds, action will be needed to deal with the thinking that gives rise to blood feud. Restorative justice could do this by offering forgiveness and reconciliation, both of which are rooted in local socio-cultural tradition and can support the democratic principles that protect human rights.

¹⁸See https://www.operazionecolomba.it/docs/Report_ING-2017.pdf

Certain sayings, such as “real men forgive, not kill” and “the forgiver is greater than a king”, express the extent to which forgiveness is considered honourable in Albanian cultural tradition. However, to prevent tradition replicating practices that create blood feud, it may be necessary to embed forgiveness and reconciliation in these sayings. For example, changing “real men forgive, not kill” into “real heroes forgive, not kill” could revitalise the traditional concept. Cultural alteration can therefore strengthen and adapt the positive features of traditional Albanian culture to suit modern Albanian society.

Third, feud victims may be the first and direct targets of institutions’ recovery, support and rehabilitation programmes with dedicated, private places in which they can recount the injustices they have suffered, redefine their pain constructively and channel their demands for justice in a positive direction. Protecting the privacy of feud victims is essential to stop them suffering additional trauma. Fourth, creating a State compensation fund for families bereaved as a result of feud would recognise harm, offer a form of compensation for injustices suffered and improve the socio-economic conditions of the victims of vendetta.

Fifth, restorative justice could be led by authoritative figures, such as intellectuals, village elders or religious or institutional representatives. The involvement of authoritative personalities in the management of restorative justice through their personification of the positive elements of traditional Albanian culture could encourage cultural change since the authority of their position will give credibility to what they achieve. Authoritative figures can also change the thinking that vendetta is more honourable than forgiveness by declaring that life is the most important value and that reconciliation is an expression of this principle. Changing thinking about vendetta can also be encouraged by the words of those who have decided to forgive the killing of a relative and to accept reconciliation with the other side, and by educating the community in nonviolence and the respect of human rights. Finally, constant promotion and publicity of antiblood feud initiatives in the media can provide transparent documentation of the general reconciliation process while, at the same time, disseminating and extending its messages. This could encourage positive social pressure to accept forgiveness and reconciliation and/or to discourage vendetta.

There are however a number of obstacles to implementation of this model. Firstly, the time must be right for it and the creation of social awareness may be a help in maintaining its momentum. Secondly, there needs to be a bridge between the town and the suburbs that will unite local communities in their determination to fight the phenomenon. There is also the problem of the lack of any strong driving force. The desire to join the EU might be enough to create a movement in Albania that is cohesive and determined to fight vendetta.

In legal terms, law 9389 of 04.05.2005 provides for a co-ordinated strategy to direct the work of institutions and society in the fight against vendetta. The law introduces a coordination council that will implement a long-term national strategy to prevent, fight and eliminate blood feuds under the direction of institutional representatives and with the participation of religious representatives and non-profit organisations that defend human rights.

The law was passed over twelve years ago but has yet to be implemented and some aspects of it might need to be amended in the light of the current sociopolitical situation.

Even though there is no guarantee that the above model or any of its components will ever see the light of day, firstly it should not be forgotten, secondly the need to rebuild trust between institutions and citizens must not be overlooked, and finally the urgent need to transform the mentality that underpins this practice must remain in the forefront of our thoughts.