

[Français](#)[Home](#)[Contact Us](#)[Help](#)[Search](#)[canada.gc.ca](#)[Home](#) > [Research](#) > [Responses to Information Requests](#)

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28 August 2009

### KOS103212.E

Kosovo: Blood feuds (gjakmarrja) and availability of state protection  
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

The tradition of blood feuds (gjakmarrya or gjakmarrja) among ethnic Albanians in Kosovo traces back to at least the fifteenth century (AP 4 July 2000; IMIR 2004, 2; Malcolm 1998, 17). The rules of blood feuds are outlined in the Kanun of Lek Dukagjijn [also known as the Canon or Code] (ibid.), a medieval code of laws originally transmitted orally, which dictates that if a man's honour is deeply affronted, his family has a right to kill the person who insulted him (IMIR 2004, 2; Malcolm 1998, 17). However, after such a killing, the victim's family can avenge the death by targeting male members of the killer's family, possibly setting off a pattern of reprisal killings between the families (IMIR 2004, 2; Malcolm 1998, 20; IWPR 14 July 2005).

According to Noel Malcolm's book *Kosovo: A Short History*, some of the traditional ways of dishonouring a man, as outlined in the Kanun, include calling him a liar in front of other men, insulting his wife, taking his weapons or violating his hospitality (Malcolm 1998, 18). In a 12 August 2009 telephone interview with the Research Directorate, a senior official for the United Nations (UN) Development Programme (UNDP) in Kosovo explained that current blood feuds may also be caused by violations of a perceived code of honour; some examples include broken engagements, accusations of adultery, insults, issues regarding property, trafficking of persons, accidental killings, being disrespectful of a woman, or accusing a person of dishonesty in the presence of other men (UN 12 Aug. 2009).

According to the UNDP Official, in addition to these traditional causes, accusations of collaborating with the Serbs in the years prior to and during the war of 1998-1999 can also trigger a blood feud (ibid.). The UNDP Official explained that a man's status in Kosovar Albanian society relates to the position of his family prior to and during the conflict (ibid.); people who continued to work in the state apparatus under Slobodan Milosevic's regime from 1991-1999 are considered traitors and could be potential targets of blood feuds (ibid.). Media sources report that in August 2001, five family members, including two female children, were killed because the father had worked for the Serbian police in the years leading up to the war (Reuters 22 Aug. 2001; *The Sunday Times* 26 Aug. 2001). Women and children are traditionally not targeted in blood feuds (ibid.; IWPR 14 July 2005; IMIR 2004, 2).

Blood feuds can be suspended temporarily if the victim's family grants the killer's family a besa, a vow of security for a set length of time (IMIR 2004, 12; IWPR 14 July 2005; ibid. 19 Feb. 2004). According to the Sofia-based International Centre for Minority Studies and Intercultural Relations (IMIR), conciliators visit the homes of the victim's family and the killer's family to try to secure a besa, which can ensure safety for anywhere between one week and six months (IMIR 2004, 12). Once the duration of the besa is over, the male family members can remain safe only by staying shut at home until another besa is secured (ibid., 2, 12). The Institute of War and Peace Reporting (IWPR), a not-for-profit international network supporting local media (n.d.), reports a blood feud case in Kosovo where the male members of a household, including a seven-year-old boy, did not leave their home for over a year for fear of a blood feud reprisal, even though two family members were in jail for the initial killing (IWPR 14 July 2005). Sources indicate that male children as young

as seven or eight years can be targeted during blood feuds (IWPR 14 July 2005; UN 12 Aug. 2009).

Sources report that in the early 1990s Anton Çetta, a professor of Albanian language at the University of Prishtina, led a large-scale reconciliation movement to end blood feuds in Kosovo (IMIR 2004, 10; IWPR 19 Feb. 2004; Malcolm 1998, 20; UN 12 Aug. 2009). Estimates as to the number of blood feuds reconciled during this time vary: IMIR reports that hundreds of families involved in 1,200 blood feuds were reconciled (2004, 10); War Resisters' International (WRI) reports that there were approximately 2,000 ceremonies of reconciliation (WRI 1 Jan. 2001; see also IWPR 14 July 2005). Approximately 500 activists travelled throughout Kosovo to persuade feuding families to make peace (IWPR 21 Apr. 2005; WRI 1 Jan. 2001; IMIR 2004, 10). One of the key motivators for the reconciliation of blood feuds during this time was reportedly the need for Kosovar Albanians to unite in the struggle against the Serbian government (IWPR 21 Apr. 2005; IWPR 19 Feb. 2004; IMIR 2004, 10).

Media sources indicate that there has been a re-emergence of blood feuds in Kosovo since the end of the war in 1999 (IWPR 14 July 2005; AP 4 July 2000; AFP 22 Dec. 2005). However, a conciliator interviewed by IMIR in 2003 suggests that the blood feud is "not as widespread a phenomenon as it used to be" (IMIR 2004, 10). In a 20 August 2009 telephone interview with the Research Directorate, a representative from the Balkan Investigative Reporting Network (BIRN, Rrjeti Ballkanik i Gazetarisë Hulumtuese) in Prishtina stated that the number of blood feuds has been decreasing since Anton Çetta's reconciliation movement but that blood feuds still pose a realistic danger (BIRN 20 Aug. 2009). According to the UNDP Official, while many ethnic Albanian Kosovars regard blood feuds as "primitive," there are also many who view killings to restore honour as legitimate (UN 12 Aug. 2009). Some sources indicate that Albanian Kosovars who do not seek to avenge killings are seen as "cowards" (IWPR 21 Apr. 2005; AFP 22 Dec. 2005) and can "fall into social disgrace" (IMIR 2004, 2).

According to Agence France Press (AFP) and the UNDP Official, there were an estimated 50 murders linked to blood feuds in Kosovo from 1999-2004 (AFP 22 Dec. 2005; UN 12 Aug. 2009). Although official statistics since 2004 could not be found among the sources consulted by the Research Directorate, the UNDP Official estimates that there have been an average of three high-profile cases per year of murders linked to blood feuds in Kosovo from 2004-2009 (ibid.). The BIRN Representative stated that people are increasingly seeking justice through the courts rather than through blood feuds (BIRN 20 Aug. 2009).

Several sources indicate that blood feuds are more common in the rural areas of Kosovo (Saferworld/FIQ Dec. 2007, 15; IWPR 14 July 2005; IMIR 2004, 11; BIRN 20 Aug. 2009). In contrast, the UNDP Official reported that blood feuds "are not a rural phenomenon" and that many of the recent high-profile cases occurred in towns or cities (UN 12 Aug. 2009).

In one example of a blood feud, media sources report a case where a police officer in Peja [also known as Pe?] shot and killed a man during a police interrogation in order to avenge the death of his brother (Reuters 4 Jan. 2006; AFP 4 Jan. 2006; UN 12 Aug. 2009). According to Reuters, the victim's brother had stabbed and killed the policeman's brother six months earlier (Reuters 4 Jan. 2006). In another example of a blood feud, a conciliator interviewed by IMIR in 2003 noted a case in the Karadak region where a blood feud between two families had existed for 80 years and had resulted in 32 instances of revenge (IMIR 2004, 11). Reuters also reported a 2005 case where the brother of former Prime Minister Ramush Haradinaj was killed in a blood feud (15 Apr. 2005).

## State Protection

The UNDP Official and the BIRN Representative stated that there are no governmental agencies active in resolving blood feuds in Kosovo (UN 12 Aug. 2009; BIRN 20 Aug. 2009). The BIRN Representative stated that some government officials act independently to help resolve blood feuds (ibid.).

Several sources link the resurgence of blood feuds with dysfunction in the Kosovo judicial system (Freedom House 2009; IWPR 19 Feb. 2004; ibid. 1 Apr. 2005; UN 12 Aug. 2009; Saferworld/FIQ Dec. 2007, 14-15). According to a 2009 UNDP survey, only 20 percent of Kosovars are satisfied with the courts (UN Apr. 2009). Freedom House reports that all levels of courts are "subject to political influence and intimidation" (Freedom House 2009). Sources report numerous problems within Kosovo's judicial system including corruption, mismanagement, and under-staffing (BIRN May 2009, 7; Kosovo 21 July 2008, 12; Saferworld/FIQ Dec. 2007, 15). According to a report produced by BIRN, another difficulty with the judicial system is that sentences are not always enforced; in 2008 only 298 of 591 imprisonment sentences were carried out (BIRN May 2009, 35). IWPR reported two cases in 2004 where members of the victims' families warned that if the murders went unpunished by the judicial system that they might seek justice through the rules of the Kanun

(IWPR 19 Feb. 2004).

Sources report that another problem in the Kosovo judicial system is ineffective witness and victim protection (Saferworld/FIQ Dec. 2007, 14; UN 12 Aug. 2009; IWPR 1 Apr. 2005). According to a report produced in partnership between the international NGO Saferworld, and the Kosovar NGO Forum for Civic Initiatives (Forumi i Iniciativës Qytetare, FIQ), witnesses fear for themselves and their families if they testify and victims are reluctant to report crimes (Saferworld/FIQ Dec. 2007, 14). IWPR similarly reports that witness intimidation in Kosovo is a widespread problem; following two trials of Kosovo Liberation Army (KLA) members for crimes committed during the conflict, three witnesses who testified were murdered (IWPR 1 Apr. 2005). Saferworld/FIQ notes that without witnesses, many cases never reach court, which further undermines the judicial system and contributes to citizens seeking justice outside the law (Saferworld/FIQ Dec. 2007, 14).

Saferworld/FIQ reports that the Kosovo Police Services (KPS) are "one of the more trusted institutions" (Saferworld/FIQ Dec. 2007, ii). According to the UNDP survey, 74 percent of Kosovars were satisfied with the KPS in April 2009; the satisfaction level has fluctuated between 70 and 90 percent between the years 2002 and 2009 (UN Apr. 2009). According to the UNDP Official, police officers are reluctant to get involved in blood feuds because of a potential risk to themselves and their families especially since there is no pension to support the families of police officers if they are killed (ibid.). IWPR reports that some Kosovars are not confident that the KPS are strong enough to confront serious criminal activity (18 Feb. 2005).

IWPR indicates that in the Dukagjini region of Kosovo, a number of murder cases have remained unsolved, sending a message that the killers "can operate with impunity" (18 Feb. 2005). According to IWPR and the International Crisis Group, violence in this region has been caused by a combination of political rivalries, organized crime and blood feuds (ibid.; International Crisis Group 26 May 2005, 6).

IWPR also linked the high murder rate with the "widespread availability" of firearms (18 Feb. 2005). According to a 2006 survey on the availability of small arms and light weapons in Kosovo conducted by Saferworld/FIQ, of approximately 400,000 small arms in Kosovo, at least 317,000 were illegally possessed by civilians (Saferworld/FIQ Feb. 2007, 5). Saferworld/FIQ indicates that the most common reason cited for owning firearms is that the judicial system offers insufficient protection from crime (ibid., 6).

The UNDP Official and the BIRN Representative stated that there are some NGOs in Kosovo that help families resolve blood feuds (UN 12 Aug. 2009; BIRN 20 Aug. 2009). The BIRN Representative named the Council for Protection of Human Rights and Liberties (ibid.), while the UNDP Official named Partnership Together (UN 12 Aug. 2009). According to the BIRN Representative, the University of Prishtina institute where Anton Çetta worked is also active in resolving blood feuds, along with a number of elders who act as conciliators (BIRN 20 Aug. 2009).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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**Oral Sources:** : Attempts to reach representatives of the Kosovo Law Centre, Kosovo Ombudsperson Office, Kosovo Police Services (KPS), Partners Kosova, and a professor at the University of Prishtina were unsuccessful within time constraints.

**Internet sites, including:** Amnesty International (AI), Balkan Human Rights Web Pages, Balkan Insight, European Commission, European Country of Origin Information Network (ecoi.net), Google, Human Rights Watch (HRW), Humanitarian Law Center, Kosovo Law Centre, Kosovo Police, Office of the United Nations (UN) High Commissioner for Refugees (UNHCR) Refworld, Republic of Kosovo, Organization for Cooperation and Security in Europe (OSCE), United Nations Interim Administration Mission in Kosovo (UNMIK).

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[Top of Page](#)

[Important Notices](#)

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