

ALBANIA – BLOOD FEUD

Operazione Colomba's experience and best practice



NONVIOLENTO PEACE CORPS OF ASSOCIAZIONE
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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 of 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 electorate. 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 Laçe, who also attended the event 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 of 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 promotes 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 an 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 between the XIX and 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 on them are high. Depending on local community traditions, the higher the mediator's social status is, 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*¹ 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*² and *besa*³. 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

1 General truce or general reconciliation.

2 *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.

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

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 representatives of the House of Gjomarkaj and the flag⁴. 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.

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

- 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 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 future. 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 feud⁵ 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.

Secondly, 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

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

forgiveness and reconciliation, both of which are rooted in local socio-cultural tradition and can support the democratic principles that protect human rights.

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, 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 anti-blood 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 the implementation of this model. Firstly, the time must be right for it and the creation of social awareness may help maintain its momentum. Secondly, it is necessary 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 hasn’t been implemented so far and some of its aspects might need to be amended in the light of the current socio-political 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.