

BLOOD FEUD AND NATIONAL SECURITY

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The beginning¹ of the democratic processes in our country after the years '90 was followed by a series of political, economic, social psychological and demographic changes.²

The Albanian economy is included in the process of privatization. The group economy does not exist anymore in the villages and the lands are restituted to the peasant that was the reason of approving a bill, which was contested and was difficult to be put into practice.(2/1) In many cases lands divisions was associated by conflicts. New conflicts between the new landowners, ex-land owners and copartner were brought forth during the process of privatization in town, too.

Economic changes were followed by uncontrolled demographic movements (2/2) from the remote areas toward the towns landform the towns toward the big urban centers. On many occasions these demographic movements that were not examined influenced on different conflicts increase, because many state-owned properties and the ex-farm lands were occupied.

The political changes enabled the free movement of the population. Different unknown phenomenon such as: drug traffic, women traffic for white slavery use: human traffic began to appear at this time in our country. Criminal organizations with a widespread activity within and without the country began to found. With a view of a rapid enrichment individuals and criminal organizations began to conflict with each other and on many occasions the outcome of these conflicts were assassinations.

The lack of a democratic pluralist experience influenced on having a political polarization of the classes of society and on the dawn of conflicts, during the prolonged transition we are going through.(3) The most sensitive places were the isolated areas and the economically poor ones.

The collapse of the system in '97 and the armament of the population brought about the appropriate climate of giving solution to the conflicts by using weapons, aggravating more these conflicts and increasing the number of persons included in this conflicts.(4)

After the years' 90the most recently used expression among Albanians was” ***blood feud, murders aiming at blood feud and the besieged***”, a phenomenon which was more or less

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² Published in “Gazeta Shqiptare”, February 11, .2003

forgotten. This phenomenon began to come into view especially in the northern and north-western sides of the country.

The diffusion of this phenomenon poses a threat to citizen's life and their human rights and freedoms; it also undermines the operation of the constitutional institutions and hinders our country integration on Euro Atlantic structures, impinging on our national security.

The diffusion of blood feud phenomenon contains jeopardy which provides an opportunity to the study, to undertake the evolvement analysis, the reason of reappearing, its relations with the assassinations which had other motives, the consequences of the national security, the ways and methods which should be proceeded in order to prevent it and to cause a sensation on state institutions and on civil society about this problem.

1 .Blood feud—a historical approach

Blood feud –” is called the canon according to which you should kill one of the family members or one of the murderer relatives in order to take revenge upon the killed person; incurring a blood according to the canon of blood revenge ...”(5)

Blood feud murders, as phenomena are precedent in history since Antiquity and middle Ages and have been upheld by customary law. The distinctive quality of these phenomena is its prolonged continuity in the Albanian nation. The customary law is one of the oldest in Europe and has played an important part in the Albanian survival during centuries. Thousand-year-old-experience of our nation has been codified in the Albanian canons (customary laws). The important source of the Albanian rights consists on these canons.

Centuries ago, European people separated from the customary laws and set up their own state laws. According to them blood feud and customary law remained as an object of historians and jurists study.

1.1 The factors which influenced upon the longevity of the customary law in Albania

Alike the customary law, blood feud murders have been persistent in Albania longer than in other European countries. This is related to a series of factors such as:

a. *Being kept under ottoman occupation for a long time* established rules for solving problems between people by means of canons. The invaders couldn't reduce all the areas under control. Even in the invaded areas they didn't insist on establishing the state law. Ruling the country by means of canons was the easiest way of keeping Albanians under control.

On the other side the canons provided Albanians a self-government under ottoman empire conditions and they were also an important factor in their survival .(6) Too many

Albanians known as the founders of different modern countries became prime ministers, or statesmen, but their country was still governed by means of canons.

b. *The retarded establishment of the Albanian independent state*(7) and the difficulties that the Albanian governments had to face with, for running and keeping under control the Albanian territories. After the proclamation of independence in 1912 different Albanian governments ran the country. The First World War began and the Albanian regions were reoccupied again. All these factors and the political instability, up to the proclamation of the kingdom, enabled the canons to rule the country and law sanctioned blood feud murders.

c. Due to the first two factors the standard of education and civilization among Albanians was undeveloped especially in the remote areas. Being in these conditions and undeveloped economically, there was no need of a right, different from that of centuries ago.

1.2 Blood feud in Albania up to the Second World War

a) From the proclamation of independence up to the proclamation of the kingdom

After the proclamation of the independence, Ismail Qemali's government made the first efforts to embark the country on the road of development. That's why "The canon to date of the Civil Administration' with the attributes of a constitution, was approved(8). For the first time the *state courts* were established.

Gaining advantage of the Ottoman Empire collapse, by the end of 1912 and the beginning of 1913 the neighbor countries began to invade the largest part of the Albanian regions. In these condition European Powers brought Prince Vidi in Albania.

On April 1914 the International Audit Commission drafted "the intrinsic Statue of Albania" according to which Albania was proclaimed independent principality, a neutral and hereditary one.(9)

During the First World War from 1914-1918 Albania became the arena of the warring party's war. Lushnja Congress held on January 1920 approved of Lushnja Statue as the organic law of Albanian state. During the period between February-March 1921 the first parliamentary elections were held in Albania. On January 1925 Albania was proclaimed Republic.

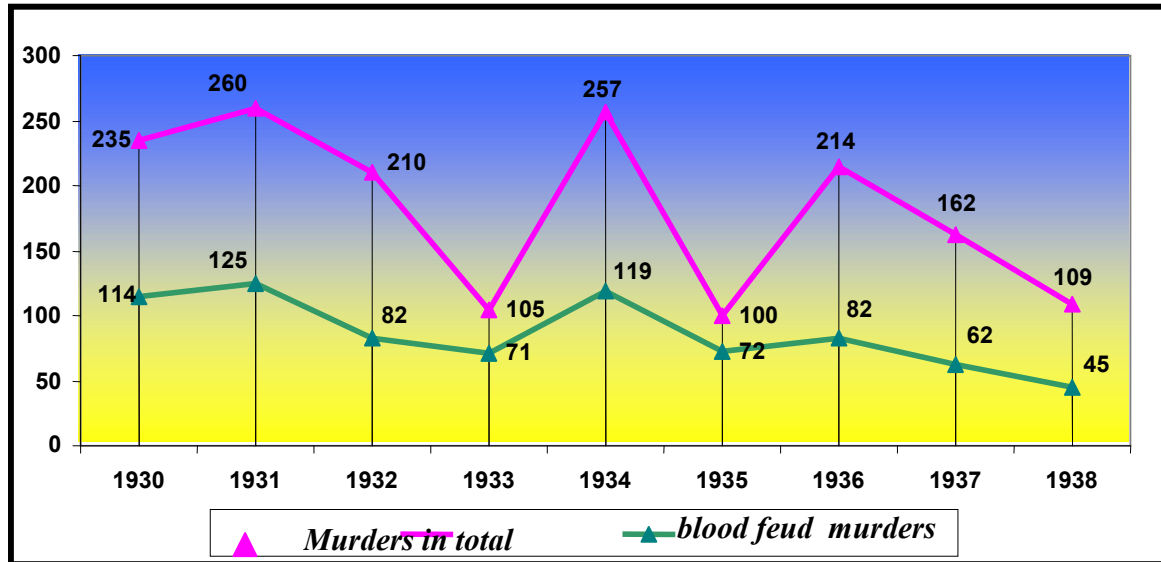
Conclusively, the political situation in Albania during this period continues to be complicated. Under these conditions the customary law kept on operating normally in Albania, in spite of the constant efforts for the state right.

b) On November 1,1928 Albanian Monarchy was proclaimed, having Ahmet Zogu as a king. The fundamental statue of Albania kingdom approved on December 1,1928 and other laws founded the new Albanian state establishment. The civil code and criminal

code were drafted, having the attributes of the western models. According to the criminal code blood feud is forbidden and law prohibits murder.

Serious persistent efforts are made during this period and good concrete results were obtained for public order establishment in all the country.

Murders in total and blood feud murders in 1930-1938



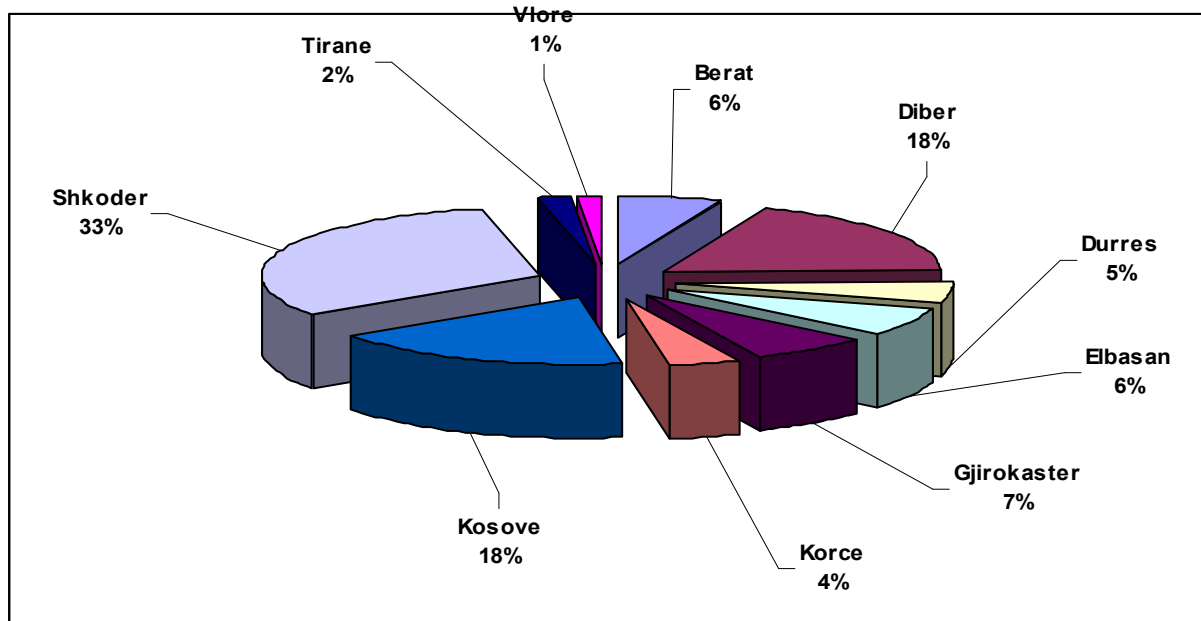
If we analyze the above chart, we will notice that the number of murders in general and the number of blood feud murders is decreasing abreast of the state consolidation during the regnant of Zogu.

The table of blood feud murders according to the prefectures during 1930-1938 (10)

| Prefectura | According to years | | | | | | | | | Total |
|------------------|--------------------|------------|-----------|-----------|------------|-----------|-----------|-----------|-----------|------------|
| | 1930 | 1931 | 1932 | 1933 | 1934 | 1935 | 1936 | 1937 | 1938 | |
| Berat | 3 | 6 | 4 | 2 | 4 | 4 | 9 | 14 | 2 | 48 |
| Diber | 20 | 23 | 14 | 11 | 25 | 6 | 16 | 14 | 11 | 140 |
| Durres | 2 | 6 | 3 | 0 | 8 | 6 | 9 | 8 | 0 | 42 |
| Elbasan | 9 | 3 | 8 | 3 | 12 | 5 | 4 | 2 | 4 | 50 |
| Gjirokaster | 9 | 4 | 1 | 4 | 8 | 11 | 5 | 8 | 4 | 54 |
| Korce | 8 | 6 | 3 | 3 | 4 | 2 | 0 | 4 | 3 | 33 |
| Kosove | 27 | 23 | 35 | 16 | 15 | 7 | 11 | 0 | 2 | 136 |
| Shkoder | 32 | 51 | 12 | 28 | 40 | 30 | 26 | 9 | 16 | 244 |
| Tirane | 2 | 1 | 2 | 1 | 3 | 1 | 1 | 3 | 1 | 15 |
| Vlore | 2 | 2 | 0 | 3 | 0 | 0 | 1 | 0 | 2 | 10 |
| Shqiperia | 114 | 125 | 82 | 71 | 119 | 72 | 82 | 62 | 45 | 772 |

If we analyze this table we will notice that there has been an increase of blood feud murders in 1934. This must be explained by the instability of state authority, as a consequence, the beginning and consolidation of an anti-Zogist movement which was stamped out by the failure of Fieri revolt in 1935.

Blood feud murders in% according to the prefectures during the reign of Zogu



If we analyze blood feud murders according to the prefectures, we will see that the greatest number of them has occurred in the northern part of Albania (Shkoder, Kosovo, Dibra). Another explanation related to this, is that these are the traditional regions where Leka Dukagjini Canon is operating. Vlora, Tirana, and Korca prefecture are less affected by blood feud phenomenon.

c. During fascist occupation 1939-1944, (11) 290 or 33% of the 872 murders in total were caused by blood feud. We notice a decrease of the percentage of blood feud murders in comparison with the total number of murders. It is explained in two grounds:

- (1) The sternness of the laws during fascist occupation in our country
- (2) Leaders of the National Liberation Anti-Fascist war which had just started have persistently appealed to people, as a sign of unification against the fascist occupation, to give up fratricide and to be united against the fascist occupation.

1.3 Blood feud in Albania during 1945-1990(12)

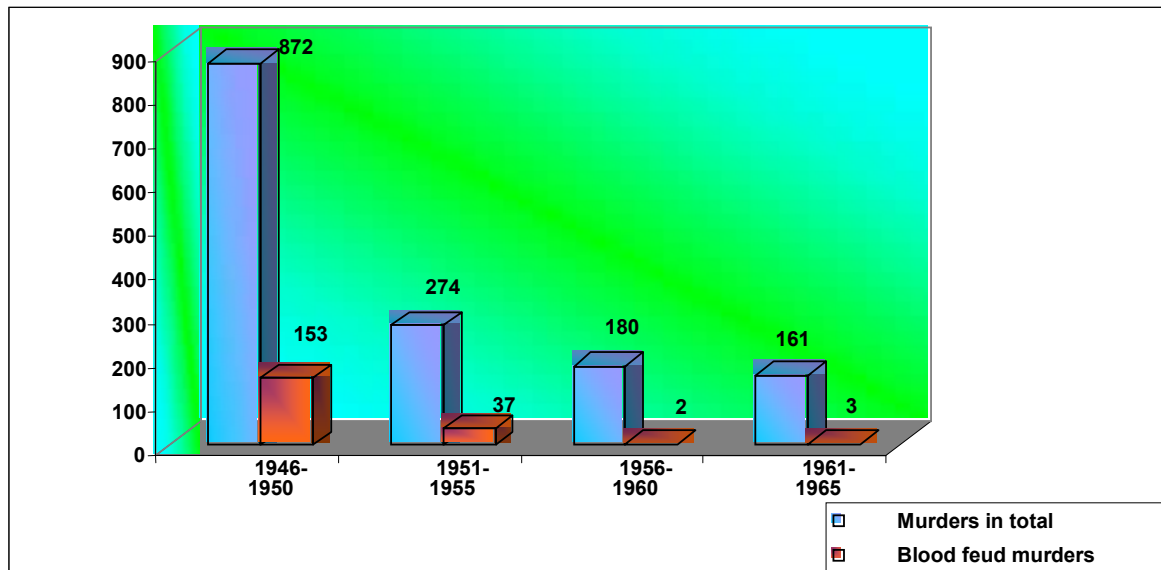
After the liberation from the fascist occupation, transformations were made in different fields, they drafted the constitution and codes and a series of laws which means that there's a direction toward the state right. Progress was also made immediately especially toward public order establishment and public order was established in all the territory. Conspicuous progress was made toward economic, cultural, and educational development. The opening of schools in the remote villages, providing them with energy

power and strict laws establishment the arranged propagation against the survival of canons yielded results at a rapid rate.

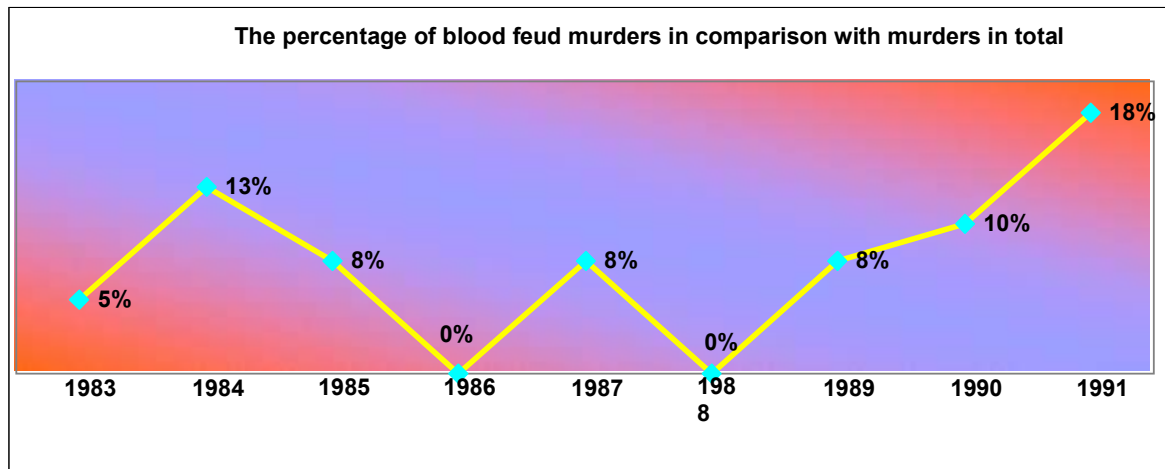
| Blood Feud murders in 1946-1965 | | | |
|---------------------------------|-----------------|--------------------|--------------|
| Years | Murder in total | Blood Feud murders | Account in % |
| 1946-1950 | 872 | 153 | 17.0 |
| 1951-1955 | 274 | 37 | 13.5 |
| 1956-1960 | 180 | 2 | 0.01 |
| 1961-1965 | 161 | 3 | 0.018 |

It is evident that after the war and the state enforcement, there is a decrease of blood feud murders from 153 during 1946-1950 in 3 during 1961-1965.

Blood feud murders in comparison with total during 1946-1965)



From 1966 to 1982 there's no evidence of any blood feud murder. The first cases of blood feud murder are registered in 1983. The percentage of blood feud murders during 1983-1991 in comparison with murders in total ¹³⁾, is as hereunder follows:



It is noticed that the percentage of blood feud murders is increasing and in 1991 it accounts 17.9% of murders in total. We should clarify that during this period the total number of murders was low at about 20 and if a blood feud murder should be registered, the account with the total should be over 5%.

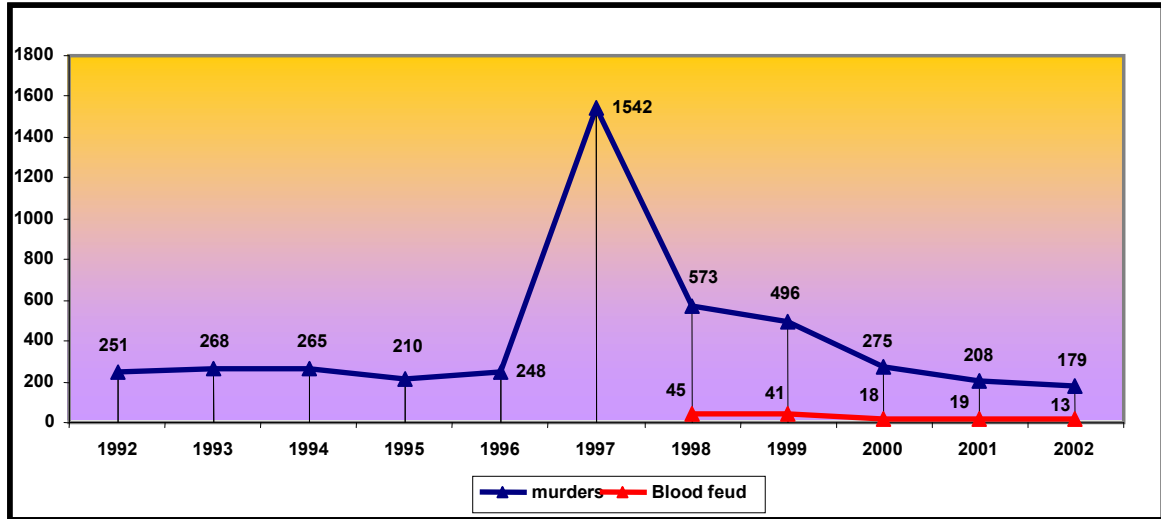
The increase of the number of blood feud murders during this period is justified by the beginning of the economic fall, after 1980 which led the country toward the gradual weakening of the state authority

1.4 Blood feud murders during 1992-2002

After 1992 there's an increase of the number of murders in total and number of blood feud murders which comes as a consequence of a series of political, demographic and social-economic changes; the reveal of organized crime; the disorganization among the employers of execution law agencies, which are in charge of combating criminality. Accounted in comparison with the total number of murders, blood feud murders account 9.5% of them during 1992-1996.

Political crisis which overran our country in 1997; the collapse of the state and, the armament of the population quintuplicate the number of murders which accounted the highest ciphers of the killed, 1542. There are no precise ciphers for the number of blood murders because a part of the police stations didn't functioned and they were burnt.

Graphical presentation of the number of murders during 1992-2002(14)



As it is seen from the graphic presentation after the year 1997 there's a decrease of the number of murders in general and particularly of blood feud murders and this comes as a consequence of state reinforcement, from 573 murders in 1998, in 2002 are registered only 179, while blood feud murders are decreasing from 45 to 13.

We are considering the data of 2001 as an object of study and we have also compiled the following table, in order to see the geographical extension of blood feud phenomena.

Blood feud murders according to districts in 2001¹⁵⁾

| District | Murders in total | Blood Feud murders |
|-----------|------------------|--------------------|
| Vlore | 8 | 1 |
| Berat | 6 | 2 |
| Tirana | 24 | 3 |
| Kurbin | 11 | 1 |
| Malsi M | 3 | 1 |
| Shkoder | 40 | 11 |
| Shqiperia | 208 | 19 |

If we analyze these data, we will notice that the greatest number of blood feud murders have occurred in Shkodra, consisting of 11 cases or 57.8% of the total of blood feud murders in this year.

During the analyses of blood feud phenomena, during the reign of Zogu, we verified that the greatest number of blood feud murders (33%) had occurred in Shkodra Prefecture. This indicates that the district of Shkodra is a traditional area where Leka Dukagjini's canon has operated; so it needs a special concentration and a regional strategy to minimize blood feud phenomena.

The next district which accounts the greatest number (15.7%) of the total number of blood feud murders during 2001 in Tirana. It is related to the demographic movements and the displacement to Tirana of the persons who have had problems in their previous regions.

We have analyzed the data of the authors and the killed persons, as a consequence of blood feud during in order to see the extension of this phenomenon in towns and villages. It follows that 72% of the victims and 78% of the crime authors have lived in villages.

2. The factors which enabled the reappearance of blood feud phenomena

The reappearance of blood feud phenomena after the years 90 is related to a series of factors:

a- Social and economical factors. After the years 90 the Albanian economy was situated in a deep crisis. In villages the group economies were falling apart in bulk and they were not studied. People began to occupy objects, lands, and properties. The law about lands divisions was approved but it was disputable and caused too much conflicts. Industry was also part of a complete collapse.

The industries began to close down one after another. 34% of the female and 23% of male who were employed, lost their jobs until 1993.¹⁶⁾ At the end of 1992 the rate of unemployment accounted 26% almost triple in 1991 where it accounted 9.1%. Unemployment was mostly spread to the new generation, 60% of unemployment's were under 34 years old ¹⁷⁾. People began to search other ways of living and because of these possibilities people incurred in different conflicts.

These conflicts sometime ended up in murders being so the starting point of blood feud murders.

b.-Political factor. The political changes which occurred in Albania after years 90 led the country toward great development perspectives. The general constitutional provisions which were approved, guaranteed liberty and rights to Albanians, according to European standards. Some persons realized democracy as Anarchy and the violation of laws and self-judgments were present in the Albanian surroundings.

The Albanian transition was too difficult and was associated by political instability. In the document of Albanian national security strategy it is said that “the experience to date of democracy in Albania indicates that the political instability has always been present in the interior surroundings”.¹⁸⁾

This phenomenon led the country toward malfunction of the democratic institutions and the lack of social peace and of public tranquility.

The political instability of 97 which accounted 1542 murders; 1014 of which were attempted murders ;and 344 wounds (injury) ¹⁹⁾ , the armament of the population with the stock-pile of the army; indicate the influence of political factors upon the increase of the number of murders in general and those of blood feud.

c. Demographic factors These factors have also influenced upon blood feud phenomena in Albania. After 1990 are noticed great population displacement from the remote areas to the town and from towns toward large cities.

In 1999 the number of citizens accounted for 45.9% of the total number of population. In 1989 accounted for 35.7% of the total number of population.²⁰⁾

These movements were detected by the collapse of the structures of socialist group economies and by the need to find other means of living. The transferred people occupied lands, territories, objects. All these were associated by conflicts of the interests.

Population displacement from the remote areas where blood feud phenomena has operated for centuries, toward cities brought forth the removal of conflict they bearer. So this phenomenon was present in the cities too.

d. The lack of legislation It also influenced upon blood feud phenomenon. In the beginning blood feud murders were considered as first- degree murders. Later on, on January 24, 2001 the second paragraph is added to the 78th article of the Penal Code where is said: “The murder committed through interest, revenge, blood feud is sentenced no less than to 25 years imprisonment or to life imprisonment.”. ²¹⁾

e. Disbandment of capital punishment also influenced upon the increase in number of the murders in general and of blood feud murders. According to the statistics, after the years '90 the number of murders has been over 200 killed in a year. This cipher is 10 or 15 times greater than the average number of murders in a month before the years '90. This is related to the application of the capital punishment for death crime. In general, the one who accomplished a crime was sentenced to death and so the relatives of the killed, used to say ‘he killed one of us, but it was the state who took revenge of it.’ Non-execution of capital punishment won't be noticed because of the transformations of the penal code in 2001, which classify blood feud murders as a qualified murder, providing for maximal punishments.

f. The corruption among law execution agencies. It is another factor, which had influenced upon the increase of murders. Rather often crime authors moved for years within and without the country being declared wanted. Some of them were arrested but the loss of evidences helped them and they were sentenced to detainment or when the

case of murder were to judge by court, any skilled defending counsel helped the author of the crime to be sentenced for killing under conditions of a psychic shock. Under the circumstances those affected by murders thought of other ways of taking revenge. ²²⁾

h. *Well-organized crime.* It had also influenced upon the increase of number of murders after the years '90. Aiming at a rapid enrichment people began to deal with illegal works which were profitable such as: drug traffic, women traffic for white slavery use, and arms traffic. Aiming at those lucrative businesses, even death could not stop them. Often the first murders caused the beginning of a murder serial which continued for years.

3. Blood feud murders or getting one's accounts square

The increase of the number of murders after the years '90 was a consequence of the conflicts among people or different groups for drug traffic, women traffic arms traffic.

In many cases the accomplished murder after the first one, which was caused by revenge, related to the conflicts about drug, women, or arms, are also called blood feud murders, increasing artificially the number of murders.

In fact there's an interesting interconnection of an old canon phenomena such as blood feud murders, to the phenomena of the modern time such as murders caused by the organized crime.

I think that a series of factors help us to reach a conclusion: These kinds of murders are murders caused by revenge, they are not blood feud murders. Let's analyze these factors

1. The organization on brotherhood, tribe, marriage alliance or friendship basis, is typical for the Albanian criminal groups. Such an organization was needed in order to be protected by law execution agencies. The organizations clash for traffic problems brings forth conflicts, which end up in killing the members of the groups. After the first murder the next group tried to take revenge for his organization member who in many cases may have been his brother, his relative, or his friend. So they used to say: that was a blood feud murder but in fact they were getting their accounts square. That has nothing to do with blood feud canon.

2. Another peculiarity of criminal organizations is the recourse to all means of violence to achieve their goals: the increase of their profits. Murder is a mean of violence. A serial of such murders, which are called as blood feud murders, follows the first murder accomplished by criminal organizations. In fact they are not blood feud murders but murders caused by revenge.

3. During 1997, as a consequence of state collapse and the escape of the prisoners from jails, different criminal organizations were established, which began killing the opponents after their first clashes. In many cases these murders were called blood feud murders. We can mention the murders accomplished in Berat, Vlore and Elbasan. These murders are not related to the canon.

4. It has to be said that the **murders accomplished by Rome** (a tribe in Albania) in 1997 are claimed as blood feud murders. Suffice to mention the murders accomplished by Mandela's gang in 1997 toward another rival gang by taking the injured off the doctors and killing and burning his corpse in a stadium. This murder was claimed to be as blood feud murder of another previous murder of the rival group.

5. **Means of crime** accomplishment such as: explosive use, ²³⁾ guided bombs use and cannons (used in a conflict between the two powerful tribes in Troop) or the use of Tommy-guns, machine-guns, or grenadier (in general arms which cause the death of more than one person and which are used in too many murders in Albania, may indicate everything but they can't indicate that these murders are canons murders. (blood feud murders).

6. **The way of treating the victim** such as: corpse burning, head cut, and taking it out in the town or dragging along, things which had occurred in some Albanian cities are not related to canons, although some persons who had treated the victims such a way spread rumors that they have killed the foe.

With reference to victims treatment in the 846th paragraph of Leka Dukagjini canon is said: "If the dead is lying on his face, the killer should turn him face up, on the contrary whoever he meets will oblige the killer to turn him face up and to lean the gun on his head". ²⁴⁾

7. There have been many cases when a person who has accomplished a blood feud murder, in order to avoid justice or blood feud tried to escape abroad. To survive all these people try to establish a new criminal group including persons of the same problem and they begin to fine the merchants; to take hostages, to accomplished murders in the pay of others. Suffice to mention the uniting of Lul Caka with Kastriot Jaupi (Berat) and Zenel Meta (in Ballsh-Tepelena area). They continue killing, claiming these as blood feud murders. In fact these are not related to canon.

8. In many cases murders where the victims have been children or women are called blood feud murders. Suffice to mention the conflict between two tribes: Cala tribe and Yzeiri Tribe from Rereza (a village in Berat) which are known as a typical conflict for blood feud. In 1998 members of Cala tribe lay in ambush for a van and set it on fire. Members of Yzeiri tribe were traveling by it, and they were all killed, one of the killed was a woman. Another murder to be mentioned is that which occurred on April 2000 in Barbullush in Shkodra, where the killed was the eleven years old boy Lil Xhani, who was killed by Led Qamili. In the 835th and 836th paragraph of Leka Dukagjini canon is said: "The ambush should only shoot at men and not at women or children, in the contrary, it's against the canon". ²⁵⁾

We reach the conclusion that the greatest part of the murders are known and are registered as blood feud murders but in fact they are murders caused by revenge hidden under the cover of canon.

4. Blood feud and national security

The diffusion of blood feud phenomena impinged directly or indirectly on some of the objectives which constitute the basic interests of our national survival such as :the defense of Albanian citizens life, the promotion of human rights the development of constitutional democratic institutions .

To understand it better let's see the influence of blood feud phenomena on the two constituent parts of national security: on the interior and exterior security.

Blood feud phenomena impinge on the interior security in these main directions:

1. In the direction of the violation of civil life rights.

On the 21st article of the Albanian constitution is said: "One's life is protected by law"²⁸⁾ The civil right is also guaranteed in a series of international acts signed by Albania, such as: The European Human Rights Convention (Agreement) Roma: 1950. The Universal Human Rights Statement, the General Assembly of the United States, December 1948.

Blood feud murders violate the civil rights, impinging so in the interior security. If preventive precautions are not taken against the diffusion of blood feud phenomena, the security will continuously be threatened.

2. In the direction of violation of civil rights and freedoms

Being the greatest value (the distinguished value) of a democratic society, freedom cannot be realized without having some given parameters of security. Blood feud violates human rights and freedom in these directions:

2.1 The violation of someone privacy and freedom

In the 27th article of the constitution is said: "No one can be deprived of freedom except in some cases and as by law enacted". In the 38th article is also said "It is everyone's right to move freely within the Albanian territory".

Blood feud phenomenon impinges on the free movement of people obliging a lot of persons or families to shut themselves up which means "house arrest without a court verdict"; impinging on the security in those areas that this phenomena is spread.

2.2 The violation of political rights and freedoms

Being besieged because of blood feud, persons, groups of persons, families or other tribes can not exercise their political rights and liberties such as: the right to elect, or being elected, the right to participate in peace rallies.

2.3 The violation of economic, social, and cultural rights and freedoms Persons, families, or tribes who have entered in a blood feud are deprived of:

-**The right to work.** Only women have the possibility to work, while men should shut their selves up, for fear of revenge .so their economic situation impoverishes.

-**The right to get married.** No one wants to have a marriage alliance with a family, which suffers blood feud problems. Even when they engage to be married, the bride has to go alone to her besieged husband.

-**The right for health care.** The besieged cannot go to the hospital for fear of blood feud. Suffice to mention the case of a besieged man in Bushat who dared to send his ill daughter in hospital, because she was in need of a first medical aid. When he turned back home the foe lay in ambush for him and bullets hit his daughter and him.

-**The right for education.** Children, especially boys abandon school and shut their selves up for fear of blood feud, although it is prohibited by canon to kill a child. Instead of studying with their coeval, they shut their selves up at home, nurtured with the feeling of revenge. This situation brings forth their personality deformation

3.- In the direction of the impediment of the operation and development of constitutional and democratic institutions.

Permitting blood feud phenomena to operate brings forth the stoppage of law execution agencies.

3.1 Pretending to solve the problems of blood feud murders according to the canon **is intended to interrupt police operation.** Police forces are the basic elements of the state for the interior stability security, they are the first who face the interior jeopardizes.

The paralyze of police is intended to be realized, by making policemen the target of blood feud, although they have been doing their duties. There have been cases when policemen have been doing their duties and have incurred in blood feud. The case of Major Ilir Ngresi's murder and the shutting of some policemen in Shkodra or in other towns confirm all we said above. The tendency to start penal prosecution against policemen (who have been doing their duties) according to the canon, does not only violate their life security and their family security but also influences in a negative way on their motive to work and for their duties accomplishments. None motivating their actions influences on the interior security.

3.2- Trying to solve the problem of blood feud murder according to the canon also impinges on the prosecution operation. Prosecution is the organ, which operates according to the constitution of Albania. The penal prosecution and the indictment representation in the court are its duties. The stimulation of canon execution in the cases of pardon even when the author of crime is included means a violation of the operation of prosecution' institutions. This impingement means the violation of national security. The utilization of Pardon Institution according to the canon would have been worthy to free from blood feud persons who are not crime authors or associated in crime.

3.3- The execution of canon rules about blood feud murders tries to weaken or to take the role of the courts.

It is obvious in these directions:

a.- The execution of canon' rules such as "gjak per gjak" or "gjaku shkon per gisht" ³⁰⁾ means that the crime author is condemned to death and in his absence; one of his family members will be condemned to death.

The constitution enacts on its 30th article "Everyone is considered not guilty until his culpability is not proven with a decree absolute". Culpability is only only determined by court and only the court has the right to condemn it. Culpability arrangement belongs, before state period.

b.- Obligating the persons to shut their selves up according to the canon is almost the same as giving "house arrest" but without a court decision. Freedom cannot be violated without a regular legal process.

Finally, permitting the operation of canon means the restriction of courts operation, so one of the most important authorities; the juridical authority. The impingement of this authority means the violation of national security.

4. In addition to national security violation, blood feud phenomenon also plays an indirect part to the exterior security of our country.

Its role on the exterior security consists on these directions:

4.1 It impedes the integration of Albania on Euro Atlantic Structures.

European countries can not conceive to include in their family a country where customary law still operates.

In one of his visits in our country, on October 21st ,2002 Alvaro Gil-Robles, the commissar of European Council on Human Rights, admonished that such a level of blood feud operation brings forth problem for the stabilization -association of Albania.³¹⁾ On the latest draft-account made by EU experts, the Ministry of Public Order is reprimanded for the canon operational space. ³²⁾

The retardation of Albania integration in the structures of Euro Atlantic security impinges on our national security.

Considering a series of factors, we think that the influence of blood feud phenomena on the retardation of Albania integration process in Europe is diminishing and it should not pose an impediment anymore. That's because of :

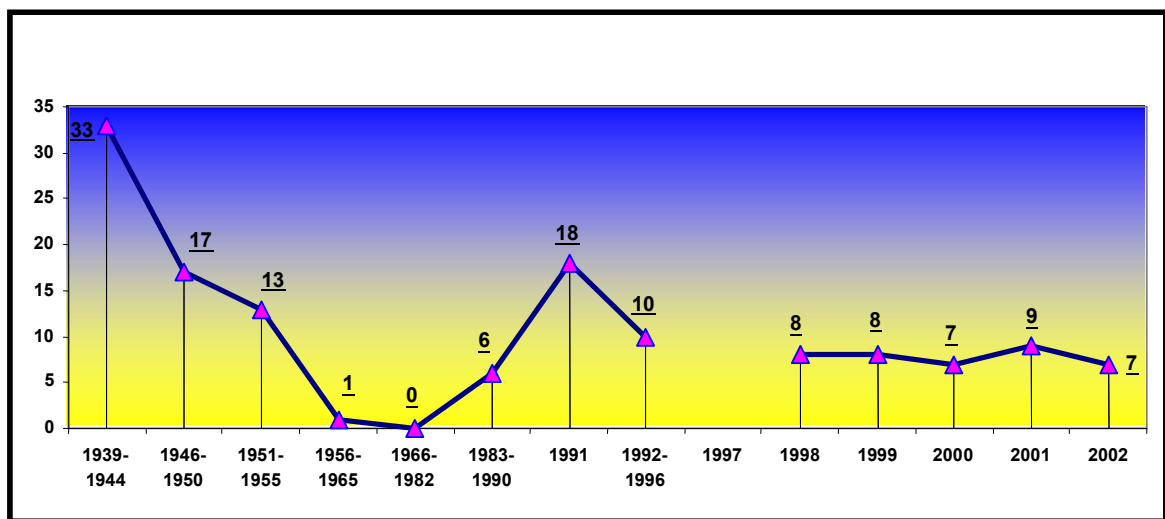
1.- There's an artificial exaggeration of this phenomenon within the country and a disinformation of the foreign public opinion. In addition to the positive role that media and non-official organizations have played; a part of them has produced the wrong image, on the place that blood feud phenomena takes in our society. It is suffice to mention 2 facts:

a. To non-official organizations which reconcile blood feuds and which are widespread all over the country accounted different ciphers for the besieged families and children in the Conference "Life right, universal right ", held on December 2000 in Tirana. One of them accounted 2700 besieged families and 950 besieged children ³³⁾, while the other one accounted less than 1000 families and no more than 150 besieged children. ³⁴⁾ It is to be mentioned the declaration made by the representative of Ministry of Education who accounted that only 83 pupils has abandoned school because of their shutting and these pupils accounted only 0.7% of the total number of pupils who have abandoned school.

b. Different television groups, accompanied by any pseudo-intellectual, come in Albania and find any besieged family and begin their broadcast "live" for the studios in Stockholm or in any other European capital city. Broadcasting only the black part of this reality ,without explaining the place that blood feud takes in the Albanian reality, they "unintentionally" remind the Civilized European Nations that they have discovered in Balkan a nation which has barbaric canons ³⁶⁾ and which desires to integrate in the common European family. I hope that everyone can understand now, how much do these ,influence on the result of European opinion poll about countries which aim EU membership (27% of the survey respondents are in favor of EU membership while 52% of them are against). ^{36/1)}

2.- The number of murders is continuously diminishing Blood feud murders accounted 45.9% of the total number of murders in 1930, in the years 1966-1982 no blood feud murders were accounted, in 1991 they accounted 18% of the total number of murders and by the end of 2002 they accounted 7% of the total murders.

Blood feud murders in % in comparison with murders in total years 1939-2002



This phenomenon will diminish or will fade away if there's collaboration between the individual, the society and the state.

3.-Aiming at a rapid integration in European structures, Albania signed the European Convention of Human Rights. After joining the European Council, Albania guaranteed to sign and execute the Protocol nr6, the annex (appendage) of the convention which treats the disbandment of life sentence.

Disbandment of life sentence has influenced on the decrease of murders in general and on the decrease of blood feud murders.

But this situation will be through when law execution agencies will be reinforced and when the courts will administer extreme punishment. Anyway it's the duty of the policy not to be afraid of mentioning this fact.

4.- There exists a complete legal base for the neutralization of blood feud phenomenon, it's obvious in three main directions:

1. On January 24, 2001 a second paragraph is added on the 78th article of the penal code: "Murder committed for interest, revenge, or blood feud is sentenced no less than 25 years of imprisonment or to life sentence".

By envisaging blood feud murders as a qualified murder and by envisaging the extreme punishments, the legislator compensates at anyway disbandment of life sentence.

It is police, prosecution and court's duty to collect the evidences; to indict and to sentence blood feud murders as by this article enacted. They should not permit the degeneration of the indictment and the transformation of the penal deed classification into murders committed committed under conditions of psychic shock, as it usually happens.

2.-Blood feud phenomenon, in the north' area is associated by the shutting of family members or tribe members of the crime author for fear of revenge from the affected group. Shutting or "house arrest" without a court decision brings serious consequences and is a violation of human rights and freedoms.

In order to reduce this phenomenon, the legislator envisages on the 83rd article of the penal code that "a serious menace for revenge or blood feud against a person or juvenile is fined or sentenced 3 years imprisonment".

There are hundreds of besieged people but I don't know any case when the person who had obliged others to shut their selves up is being sentenced. The application of this provision will diminish the consequences of blood feud phenomena toward persons who are not crime authors.

3.-Leka Dukagjini's canon envisages the institution of blood, reconciliation (paragraph 965-990), ³⁷⁾ in order to minimize blood feud murders. The pardon of the author of

murder is also envisaged in the canon.³⁸⁾ Under conditions of state right the pardon of crime author should not be an impingement of democratic institutions operation, which is in charge to solve these problems legally.

The institution of reconciliation should be applicator in order to free crime authors from blood feud help their family members, who are not responsible for his act, not to become besieged. In this case, irreplaceable is the activity of non-official organizations or of persons who undertake the role which is called ' blood feud match-making' according to the canon or the mediator (paragraph 965).³⁹⁾

On March 11, 1999 the legislator envisages on law nr 9464, the mediation for problem solutions by disagreement reconciliation in order to recognize the reconciliation as a legal action and not as a canon one.

Reconciliation is an extra-judiciary activity, which is realized by a third person for the solution of disagreements between citizens. Reconciliation aims to find an acceptable solution between the pairs in conflict, when this solution is not in opposition to the law and good customs.⁴⁰⁾

CONCLUSIONS AND RECOMMENDATIONS

1.-Blood feud phenomena is a phenomena based on Albanian canon law. Under conditions of the Albanian independent state establishment, it is manifested in a reverse scale to the state reinforcement. The decrease of this phenomena presence in the Albanian surroundings after the years'90 poses a potential threat to our national security.

So it is necessary the drafting of a strategy to minimize and to reduce gradually blood feud phenomenon attached to National Strategy on Crime Control. (Inspection).

2.-Along with the Parliamentary Commission on Public Order and on Intelligence State Service, the establishment of a commission on minimization and reduction of blood feud phenomena is necessary, in order to coordinate and inspect the execution of this drafted strategy.

3.- On the basis of this strategy should stand:

3.1 The totality of precautions for this phenomena prevention such as:

a. The drafting of differentiated plans on economic development for north areas affected by this phenomenon.

b. Work arrangement on public awareness for the jeopardy of this phenomenon, by giving the useful information according to age-group, beginning elementary education.

c. The institutionality of cooperation of the local authorities and the head of the villages to the inspectors of public order and crimes committed in different areas, in order to avoid conflicts and to arrange the work on their solution.

3.2- The totality of precautions for the rehabilitation of blood feud phenomena's "victims" such as:

a. Giving economic assistance to the besieged families.

b. The collaboration of local authorities structures with non-official organizations in order to mediate reconciliation according to the law and to free the innocent besieged members from their shutting.

c. Treating the besieged children according to special rehabilitation programs.

3.3- The totality of precaution for the legal attack against blood feud phenomena

a. The intensification of police work for the discovery, the legal documentation and the detention of crime authors; attempted murder grave wounds, crimes which become the cause for other blood feud murders or revenge murders.

b. The intensification of the work to apprehend the wanted criminals, crime authors who have given rise to blood feud conflicts. The international collaboration according to Interpol for their apprehension, if they leave the country.

c. The arrangement of police work and the execution law agencies to hold responsible, the persons who have obliged persons, families, tribes to become besieged.

d. The organization of a rapid investigation and judgment of the cases of blood feud murders and their punishment according to the 2nd paragraph of the 78th article by not permitting the degeneration of the indictments.

3.4- The work arrangement for honest information for the opinion on blood feud phenomena and keeping the international image of our country.

a. The accomplishment of an exact on the besieged families and children who shut their selves up for fear of blood feud, because there's an incompatibility of the ciphers about this problem.

b. The collaboration between non-official organizations and media and the local authorities and the other structures to make the opinion sensible toward the war against this phenomena and giving the ciphers for the real reporting of the situation.

c. A mirror-image of the situation of blood feud phenomena through the Ministry of Foreign Affairs, to our euro Atlantic partners and the periodical information for what the

Albanian country is doing in order to fight against this phenomenon. The activation of our embassies on this mission abroad.

d. The collaboration and coactions between the Academy of sciences of Albania and of Kosovo to conduct more profound and thorough studies for the prevention of blood feud phenomena in the Albanian regions within and without the country.

NOTE:

- 2/1. *Ligji per ndarjen e tokes Nr.7501 date 19.7.1991. Ndryshuar me ligjin Nr.7715 date 2.6.1993.Ndryshuar perseri me ligjion 7855 date 29.7.1994.*
- 2/2. *Vjetari Statistikor 1991-1999,faqe 28.Botim INSTAT 2002.*
3. *Dr.Makbule Ceco-Pajtimi i gjaqeve ne konteksin e trajtimit te konflikteve ne Shqiperi.Tirane 11 Djetor 2001.*
4. *Sipas statistikave te Policise ne vitin 1997 kane ndodhur 1542 vrasje.*
5. *Fjalori gjuhes shqipe –faqe 597,botim i vitit 1980.*
6. *Prof.Dr.Ismet Elezi –Mbrojtja e te drejtes per te jetuar si e drejte themelore e njeriut-botuar ne « E drejta e jetes,e drejte universale »,faqe 25.*
7. *Prof.Dr.Ismet Elezi-po ne ate faqe.*
8. *Shqiperia ne vitet 1912-1939-Historia e Popullit Shqiptar-8.Tirane 2002.*
9. *Dr.Hasan Shkemi-La vendeta en Albanie,Recrudescence actue des actes de vengeance sanglants-Tire a part du Nr.3,1933-Geneve/Suisse.*
10. *Te dhenat sipas prefektuarave jane marre nga doreshkrime te nje studimi te zotit Manol Konomi.*
11. *Dr.Hasan Shkemi-La vendeta en Albanie,Recrudescence actue des actes de vengeance sanglants-Tire a part du Nr.3,1933-Geneve/Suisse.Faqe 286.*
12. *Po aty faqe 287.Perpunimi grafik eshte bere bga autori Xh.Sh*
13. *Po aty faqe 288. Perpunimi grafik eshte bere bga autori Xh.Sh*
14. *Te dhenat per numrin e vrasjeve per vitet 1992-2002 jane marre nga kartoteka e Drejtorise se Policise Kriminale.Po keshtu dhe te dhenat per numrin e vrasjeve per gjakmarrje ne vitet 1998-2002.*
15. *Shifrat jane te statistikave te Drejtorise Policise Kriminale.*
16. *Vjetari Statistikor 1991-1999,faqe 92.Botim INSTAT 2002.*
17. *Po aty faqe 99.*
18. *Dokumenti i Strategjise se Sigurimit te Republikes se Shqiperise,miratuar me Ligjin Nr.8572 date 27.1.2000.Faqe 3.Pika 9/1.*
19. *Vjetari Statistikor 1991-1999,faqe 356.Botim INSTAT 2002.*
20. *Po aty faqe 28.*
21. *Kodi Penal i Republikes se Shqiperise,Neni 79.Tirane 2002.*
22. *Prof.asc.Dr.Skender Kacubi-Mbrojtja e te drejtes se jetes ne Kodin Penal perballe dukurise se gjakmarrjes-Tirane 11 Dhjetor 2001.*
23. *Prof.Dr.Aleks Luarasi-Raportet aktuale ndermjet te drejtes shteterore dhe te drejtes zakonore shqiptare-Tirane 12.12.2001.*
24. *Shtjefen Gjecovi-Kanuni I Leke Dukagjinit-faqe81.Shtepia botuese “Kuvendi” Gusht 2001.*

25. *Po ne ate faqe.*
26. *Ligji Nr.8457 date 11.2.1999 Per informacionin e klasifikuar "Sekret Shteteror".Neni 2,Paragrafi 2.*
27. *Deklarate e Presidentit te Republikes Alfred Moisiu-Strategjia Ushtarake e Republikes se Shqiperise-Tirane 2002.*
28. *Kushtetuta e Republikes se Shqiperise.Tirane Tetor 1998.*
29. *Nasip Naci-Roli i Prokurorise ne parandalimin dhe luften kunder krimeve te jetes-Tirane 12 Dhjetor 2001.*
30. *Shtjefen Gjecovi-Kanuni I Leke Dukagjinit-faqe85.Shtepia botuese "Kuvendi" Gusht 2001.*
31. *Konferencë shtypi e Alvaro Gil-Robles,Komisar per te Drejtit e Njeriut,mbajtur me date 21 Tetor 2002,trasmetuar nga stacioni televiziv TOP CHANNEL.*
32. *Projekt Raport i Eksperteve te BE,pjesa per Ministrine e Rendit.Tirane Dhjetor 2002.*
33. *Gjin Mekshi-Kryetar i Misionit te Pajtimit Mbarekombetar „Nene Tereza „-Fjala e mbajtur ne Konferencen Kombetare “ Shteti dhe shoqeria civile ne mbrojtje te te Drejtes se Jetes „,Tirane 11-12 Dhjetor 2001.*
34. *Gjin Marku-Kryetar i Komitetit te Pajtimit Mbarekombetar. „-Fjala e mbajtur ne Konferencen Kombetare “ Shteti dhe shoqeria civile ne mbrojtje te te Drejtes se Jetes „,Tirane 11-12 Dhjetor 2001.*
35. *Eduart Osmani-Ministria e Arsimit dhe e Shkences. Fjala e mbajtur ne Konferencen Kombetare “ Shteti dhe shoqeria civile ne mbrojtje te te Drejtes se Jetes „,Tirane 11-12 Dhjetor 2001.*
36. *Mentor Kikia-Media,roli i munguar ne dobi te shoqerise.Tirane 12. Dhjetor 2001.*
- 36/1 *Revista “ E drejta parlamentare dhe politikat ligjore „ Nr.10; faqe 46; viti 2002.*
37. *Shtjefen Gjecovi-Kanuni I Leke Dukagjinit-faqe 90.Shtepia botuese “Kuvendi” Gusht 2001.*
38. *Po aty faqe 91.*
39. *Po aty faqe 90.*
40. *Ligji Nr.8465 date 11.3.1999 “Per ndermjetesimin,per zgjidhjen me pajtim te mosmarreshjeve”,Neni 1.*