

2012-09-13

Fråga-svar

Egypten. Vendettor och blodshämnd. Myndigheternas agerande och den informella rättsskipningen (medling)

Fråga

Är vendettor och blodshämnd vanligt förekommande i Egypten?

Finns ett fungerande myndighetsskydd att tillgå om man är utsatt på grund av blodshämnd?

Vilka möjligheter/metoder finns att lösa en konflikt där blodshämnd är aktuellt?

Svar

Irlands Refugee Documentation Centre har sammanställt information om blodshämnd och vilket skydd polisen kan ge: *Egypt. Information on blood feuds, including information on any police protection available*, 2011-12-12. <http://www.unhcr.org/refworld/docid/4f1025b62.html> (Hämtad 2012-09-13)

Ett reportage i Los Angeles Times (2012) handlar om informell rättsskipning vid vendettor och konflikter mellan stammar. En man som fungerar som medlare har intervjuats; både hans far och farfar har tidigare haft den rollen. I allmänhet är det sedvanerätt och medling mellan stamkonflikter som gäller i byarna och städerna längs södra delen av Nilen, enligt artikeln. Polisen håller ofta en låg profil och låter den informella rättvisan ha sin gång, och detta har blivit ännu vanligare efter revolutionen.

"Police chiefs here don't interfere, and their laws and regulations don't mean anything when settling a dispute

and they know this," Ismail ["borgmästaren" tillika medlare i al- Hujayrat] said. "If one of the two conflicting families has killed one or two more than the other family, then we resort to something called 'the fine.'"

Åklagare i Aswan har inlett en utredning med anledning av en sammandrabbning mellan olika familjer på grund av en landtvist. Tolv personer dödades vid incidenten. Myndigheterna agerade och säkerhetsstyrkor stationerades vid platsen för eldstriden och utgångsförbud infördes. (Egypt Independent 2012-06-11)

Egypt Independent (2012-06-27) rapporterar också om en våldsam sammandrabbning i provinsen Asyut i Övre Egypten. Orsaken ska ha varit en gränstvist om jordbruksmark. Polisen kom sedan till platsen och åklagare involverades i fallet.

US Department of State (2012):

The government did not arrest the perpetrators of an attack that led to the death of two Coptic Christians in Al Ghorayzat village, Sohag. In late November, following an unrelated land dispute in a neighboring village, a group of seven to nine Muslim villagers attacked the home of Kamel and Kameel Sergious, killing both. The attackers beat other family members and threatened to kill them while ransacking the house and stealing valuables. Although survivors identified the perpetrators, authorities did not detain or prosecute them. (s.15-16)

Fem muslimer har av en domstol dömts till livstids fängelse för att ha dödat två kristna män i en uppgörelse mellan två familjer. (Daily News Egypt 2010). Al-Ahram Weekly Online (2002) uppger att systemet med vendettor är djupt rotat i södra Egypten och att dessa kan pågå i decennier. Det är vanligt att en vendetta har sitt ursprung i en konflikt om land eller pengar. Artikeln i Al-Ahram refererar till en händelse i augusti 2002 där 22 medlemmar av en släkt dödades. I april det året hade myndigheterna gjort försök att medla och detta ledde till en överenskommelse mellan de båda parterna. Trots detta skedde attacken.

Called "Al-Tar", the vendetta is deeply rooted in southern Egyptian tradition, with some feuds—often linked to disputes over money and land—lasting for more than half a century. Vendettas are fairly frequent in Upper Egypt, but Saturday's massacre was the bloodiest since 1995, when 24 people were killed with gunfire and knives in a clash between two families outside a mosque in Al-Minya. In March 1998, a man involved in that 1995

vendetta, ended up killing seven people and injuring nine others from the rival family.

[...]

Ever since April, the security bodies have also been arranging reconciliation meetings between the two sides, get-togethers which have included community leaders and municipal officials.

One of these meetings took place soon after the April murder; at that point, the two families vowed to drop the vendetta between them. A second, more elaborate gathering took place on 5 May, wherein the two families once again announced that bygones were bygones. As a result, a reconciliation agreement was signed on 6 May.

“All these overtures did not augur that the clash would reignite, let alone that such a massacre would take place,” said a member of the El-Hanashat family.

Believing that the reconciliation agreement would be respected, the victims of Saturday’s attack were unarmed

Human Rights Watch (2012) har publicerat en rapport som tar traditionen med medling för att lösa konflikter. Det förekommer att polisen/myndigheterna hänvisar parterna i en konflikt till informella institutioner.

The use of so-called reconciliation meetings in lieu of prosecutions following violent attacks has allowed those responsible to escape justice and has even led to the forcible eviction of victims from their homes, Human Rights Watch said. Not only have such reconciliation talks failed to calm repeated outbreaks of sectarian tension, but they have provided a cover for impunity for perpetrators of violence.

[...]

Police and Muslim religious leaders oversaw an informal reconciliation meeting on February 1 that endorsed evicting eight Christian families from the village and the sale of their property. The eviction and forced sale were carried out under the authority of the local religious leaders and the police. Five of the families have since returned to their homes after other religious leaders intervened.

[...]

The African Charter on Human and Peoples Rights, and the International Covenant on Civil and Political Rights,

to which Egypt is a party, obligate states to provide effective legal remedies for human rights violations and to protect the right to security in a non-discriminatory manner. The African Charter also protects the right to property. This requires authorities to open prompt and impartial criminal investigations into serious crimes of violence and hold those responsible accountable under the law. The same requirement exists under Egyptian law, which prohibits the use of reconciliation agreements in cases in which serious crimes are allegedly committed.

[...]

Background on Reconciliation Meetings

Police use of informal mediation and reconciliation meetings as a substitute for criminal investigations and prosecutions in addressing sectarian violence is not unique to Sharbat. In its 2010 report, EIPR noted that: “Sectarian violence often ends in a reconciliation meeting sponsored by the Interior Ministry and brought about by the use of all means of pressure it possesses, both legitimate and illegitimate. The end objective is to restore the situation to the status quo, as if nothing has happened.”

Reconciliation has a long tradition in Egypt as a remedy for resolving commercial, social, and family disputes, but it is a poor and inadequate substitute for investigation and prosecution of acts that are serious crimes under Egyptian law. Under Egyptian law, reconciliation may be used only for minor crimes, not serious crimes such as murder or assault.

Egypt Today (2004) ang. vendettor i övre Egypten och systemet med medling:

“A greater importance is placed on ancestry, kinship ties and tribal lineage in Upper Egypt. Strong, too, are the sense of honor and the concept of the blood-feud or vendetta. This has led to outbreaks of group violence, including revenge killings. A feud is another form of political rivalry. ‘The practice of the vendetta in Upper Egypt has positive, not negative, implications because it averts aggression by offering a means of collective security [from] any group that trespasses against another group, whether rich or poor, because it knows well that aggression will be met with violent retaliation,’ Rashwan maintains. Not all disputes break out in violence, though. Customary law has strong roots in Upper Egypt and

reconciliation councils are highly formalized. Many of the disputes are settled within these unofficial councils.

Konsulterade källor

Sökning har gjorts i följande databaser och söktjänster:

Lifos

Ecoi.net¹

Refworld²

Dow Jones Factiva³

Google

Denna sammanställning av information/länkar är baserad på informationssökningar gjorda under en begränsad tid. Den är sammanställd utifrån noggrant utvalda och allmänt tillgängliga informationskällor. Alla använda källor refereras. All information som presenteras, med undantag av obestridda/uppenbara fakta, har dubbelkontrollerats om inget annat anges. Sammanställningen gör inte anspråk på att vara uttömmande och bör inte tillmätas exklusivt bevisvärde i samband med avgörandet av ett enskilt ärende. Informationen i sammanställningen återspeglar inte nödvändigtvis Migrationsverkets officiella ståndpunkt i en viss fråga och det finns ingen avsikt att genom sammanställningen göra politiska ställningstaganden. Refererade dokument bör läsas i sitt sammanhang.

Källförteckning

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¹ <http://www.ecoi.net/about>

² <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain>

³ <http://www.dowjones.com/factiva/index.asp>

⁴ Tillgänglig via sammanställning gjord av Irlands Refugee Documentation Centre: *Egypt. Information on blood feuds, including information on any police protection available*, 2011-12-12 <http://www.unhcr.org/refworld/pdfid/4f1025b62.pdf>

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⁵ <http://www.egyptindependent.com/about>

Egypt Today, *The Saeedis Awake*, oktober 2004⁶

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(Hämtad 2012-09-13)

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<http://www.state.gov/documents/organization/193093.pdf>

(Hämtad 2012-09-11)

⁶ Tillgänglig via sammanställning gjord av Irlands Refugee Documentation Centre: *Egypt. Information on blood feuds, including information on any police protection available*, 2011-12-12 <http://www.unhcr.org/refworld/pdfid/4f1025b62.pdf>

(Hämtad 2012-09-11)

⁷ Artikeln är tillgänglig via Dow Jones Factiva