

2016-03-03

Fråga-svar

Makedonien. Blodshämnd

Fråga

Hur vanligt är det med blodshämnd i Makedonien och hur ser myndighetsskyddet ut för inblandade i en blodshämnd?

Svar

Förekomst av blodshämnd i Makedonien idag

2015 rapporterade makedonska medier att en parlamentariker för ett albanskt parti, som även var biträdande chef för skattemyndigheten, dödats i vad som betecknades som en blodshämnd. Det kan noteras att förövarens far berättat för vittnen att det var en blodsfejd som låg bakom dådet.

Independent (2015):

The deputy chief of the Public Revenue Office, Argetim Asani, was killed as a result of a blood feud /.../

MINA (2015):

Although the media speculated this may be another DUI inner fighting as seen in the Kumanovo murder when a DUI member gunned down his colleague Dzemail Rexhepi, MINA finds yesterday's murder of Asani points to a blood feud.

I övrigt har ingen information om rapporterade blodsfejder hittats. Sökningar har gjorts på tidsperioden från 2012 till 2016.

Äldre rapportering om förekomst av blodshämnd

Av en sammanställning gjord av Immigration and Refugee Board of Canada 2008 framgår att blodshämnd förekommer utanför Albanien, bland annat i Makedonien, men att det är förhållandevis ovanligt:

In addition, blood feuds occur outside Albania (Standish 20 Nov. 2007; Pano 20 Nov. 2007; Fischer 19 Dec. 2007; Marku 7 Dec. 2007), including in Macedonia, Kosovo, southern Serbia (Sunday Telegraph 3 June 2007), Greece and Italy (Fischer 19 Dec. 2007). Pano acknowledged that blood feuds do occur outside Albania, but indicated that they are few (20 Nov. 2007).

Även andra källor från förra decenniet nämner att blodshämnd existerar utanför Albanien. Kostovicova, Denisa (2006):

... the tradition of blood feud still alive in Albanian society in Macedonia ... (s. 51)

Enligt en akademisk artikel, författad av forskare baserade i Belgien, är makedonska albaner en, från samhället i övrigt, relativt isolerad grupp. Artikeln uppger också att hämndbaserade mord förekommer. Arsovska, Jana och Verduyn, Philippe (2007):

The situation in Macedonia — a country with a considerable ethnic Albanian minority (20 – 25 per cent) — resembles the other countries. According to foreign internal reports and embassies, the most dangerous areas — where violent incidents occur commonly — are those populated by ethnic Albanians. Macedonia, according to various accounts, regularly experiences revenge killings, kidnappings and trafficking of women for sexual exploitation and frequently committed by ethnic Albanian perpetrators. In 2001, it also experienced killings committed by Albanian paramilitary structures. On the other hand, ethnic Albanians feel suppressed by the Macedonian government and frequently complain of widespread discrimination (Bureau of Democracy 2006). For years, Albanians in Macedonia have been living in isolation without proper education, which makes the situation even more terrifying. (s. 229)

Andra källor talar om att sedvanerätten *kanun* är känd bland albaner utanför Albanien.

International Centre for Minority Studies and Intercultural Relations (2004):

According to [a conciliator], nowadays the Code [Kanun of Lek Dukagjin] is known in Northern Albania, Kosovo, Macedonia, and Montenegro. (s. 11)

Mediterranean Journal of Social Sciences (2015):

The importance of the Kanun in the history of the Albanian people can scarcely be overestimated, and its precepts continue to exert a significant influence on a significant number of Albanian families living in Albania, Kosovo, Montenegro, Macedonia, as well as in other countries to which Albanians have emigrated. (s. 510)

[notera att källuppgifterna artikeln hänvisar till är daterade till 2000-2001]

Det finns även källor som anser att blodsfejder inte förekommer i Makedonien utan att konflikter reds ut internt. Zhelyazkova, Antonina (1999):

In Macedonia blood feud is not applied, but this issue requires some additional research. For the time being, the team's conclusion is that this conservative and close community has its leaders who usually settle disputes and impose punishments.

Enligt brittiska The Telegraph kan blodshämnd kontrakteras ut till professionella mördare, en trend som enligt uppgift även spridits till Makedonien. Mer information kring denna företeelse i Makedonien har dock inte hittats. The Telegraph (2007):

The new freedom to hire contract killers has spread to all Albanian-populated areas, including the western part of neighbouring Macedonia, Kosovo and southern Serbia, where the number of killings has also risen.

Myndighetsskydd

Information om hur myndighetsskyddet ser ut för drabbade av blodshämnd har inte gått att hitta. Allmän information om rätts- och säkerhetssektorn följer istället.

Rättssektorn

Europakommissionen har i en utvärdering gjort bedömningen att domstolsväsendet är oberoende, om än med viss politisk inblandning i omtalade domstolsmål eller politiskt känsliga ärenden. Ett vittnesskyddsprogram existerar också. European Commission (2015):

The independence of judges is enshrined in law. In the large majority of 'ordinary' cases, courts are able to act independently. Relatively few complaints are made to the Judicial Council over bias or partiality and none have been upheld. However, there are repeated reports of selective justice and political interference in certain high-profile or politically sensitive court cases. (s. 13)

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The Council for Witness Protection, which includes representatives of the Supreme Court and the prosecution service, was established

in 2005 and is authorised to put witnesses in the protection programme and provide changes of identity. (s. 19)

I en genomgång av bland annat det legala ramverket för bekämpande av korruption bekräftas i en FN-publicerad rapport att det finns ett vittnesskyddsprogram, som även appliceras på brottsoffer i den mån de även är vittnen. UN Office on Drugs and Crime (2015):

Protection of witnesses and reporting persons (arts. 32 and 33)

The former Yugoslav Republic of Macedonia has a comprehensive legal framework and a specialised Unit within the Ministry of Interior for witness protection. A wide range of protections can be provided for persons who give a statement or witness in a procedure for corruption offence, including relocation and change of identity of witnesses and their family.

The person has the right to compensation for damage that he or a member of his family may suffer owing to the statement given or appearance as a witness. Such compensation is paid with funds from the national budget. The protections also apply to victims insofar as they are witnesses. (s. 5)

I US Department of States årsrapport anses rättssektorn vara underfinansierad och otillgänglig. Tilltron till domstolsväsendet anses vara extra låg bland etniska albaner. US Department of State (2015):

Inadequate funding of the judiciary continued to hamper court operations and effectiveness. A number of judicial officials accused the government of using its budgetary authority to exert control over the judiciary.

According to the ombudsman's report, the greatest number of citizen complaints received by the ombudsman concerned the judicial system. The report stated that access to justice remained difficult. In addition, a significant portion of court budgets went to paying damages for violating a citizen's right to trial within a reasonable time. The report indicated court decisions were sometimes considerably delayed due to administrative deficiencies.

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Defense attorneys and human rights activists claimed that closing significant portions of high-profile trials to the public to protect witness confidentiality reduced transparency and contributed to declining public confidence in the courts, especially among the ethnic Albanian population.(s. 6)

Enligt Freedom House har omfattande reformer införts de senaste åren, men rättssektorns oberoende, opartiskhet och effektivitet bedöms fortfarande behöva förbättras. Freedom House konstaterar också att minoriteter som albaner utsätts för diskriminering. Freedom House (2015):

Improving judicial independence, impartiality, and efficiency remains a priority for Macedonia, which has been carrying out comprehensive reforms of the judiciary over the past decade. In 2014, however, a number of fundamental problems remained – including growing concerns over the weak independence of the Constitutional Court. Although the court system is technically independent of the executive and legislative branches, a number of Constitutional Court maneuvers in 2014 raised concerns about political influence on the body.

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Roma, ethnic Albanians, and other vulnerable groups face discrimination. Minority groups say that the ongoing Skopje 2014 urban development plan ignores their heritage, claiming that it presents a mono-ethnic image of the country.

Säkerhetssektorn

I Europakommissionens årliga utvärdering av Makedonien konstateras att polisen är relativt väl rustade när det kommer till utrustning och att hantera klagomål på poliser, även om det sistnämnda inte implementerats fullt ut. European Commission (2015):

The general level of police equipment in terms of vehicles, premises, IT and radio communication systems is relatively good (for example, TETRA communications technology is well established and in operation). The Sector for Internal Control and Professional Standards is well established and handles hundreds of police complaints effectively. However, independent, external and transparent oversight of the police needs to be established and the existing complaints mechanism must be implemented in a consistent manner. (s. 18)

Enligt US Department of State finns effektiva mekanismer för att undersöka och bestraffa övergrepp och korruption inom polisväsendet. Straffrihet förekom dock och politisk inblandning framhölls som ett hinder för att bekämpa framför allt organiserad brottslighet. US Department of State (2015):

Civilian authorities maintained effective control over the uniformed, criminal, and border police branches, and the government has effective mechanisms to investigate and punish abuse and corruption. There were, nonetheless, reports of impunity involving the police forces during the year. International observers, embassies, and local nongovernmental organizations (NGOs) cited corruption, lack of transparency, and political pressure within the ministry as hindering efforts to fight crime, particularly organized crime. (s. 4)

Europakommissionen har i en rapport angett vilka polisreformer som Makedonien behöver genomföra inför ett EU-medlemskap. European Commission (2014):

The Ministry of Interior needs to continue to reform the police as there is a need for further professionalisation and de-politicisation of the police, as well as enhancing the effectiveness and transparency of special investigative measures, more pro-active investigation of organised crime including financial investigations and the establishment of a national intelligence model. The country has launched a comprehensive reform of the criminal justice system, adopting a new Law on Criminal Procedure. The implementation of this reform, entailing significant organisational and legislative changes, remains a major challenge for all the actors within the criminal justice system. (s. 13)

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.

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(alla länkar kontrollerades 2016-03-01)

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