

PARTNERS-KOSOVA

CENTER FOR CONFLICT MANAGEMENT

Case Study: Alternative Dispute Resolution and Blood Feuds

The violent riots that broke out across Kosovo in March 2004 served as a vivid reminder of the ethnic tensions that still plague Kosovo years after war. In particular, the riots showed how important it is to institutionalize peaceful methods of resolving local disputes before they spiral into province-wide violence. Partners-Kosova's Mediation Program has supported the development of an effective justice system, a key goal set forth in the United Nations' *Standards for Kosovo*. At the local level, Partners-Kosova's mediation services have helped resolve hundreds of disputes related to family, property, business, and interethnic problems, positively affecting over 11,000 people. At the national level, the Center works to integrate mediation into Kosovo's court system. Judges and prosecutors report that referring certain cases to mediation has helped reduce the backlog of cases, a significant contribution in the context of a court system in which cases can take as long as 10 years to come to court.

For centuries, Kosovars and Albanians have engaged in their own form of third party dispute resolution, which involved community elders and more recently, local Reconciliation Councils. In the traditional process, which resembles arbitration, community elders (*pleqt*) or members of the Reconciliation Council visit each family several times to hear their stories before handing down a decision based on traditional law (*Kanuni i Lekë Dukagjinit*). Some of the traditional values used by Partners-Kosova in the mediation process (particularly in intake and outreach) are: respect for elders and community leaders, physically visiting disputants at their homes, taking time to create a relationship by talking about other things before discussing the dispute, and often times visiting disputants numerous times to build trust. Partners-Kosova's unique mediation model combines these traditions with modern mediation practices, such as a facilitative third party who helps the parties to understand their shared interests and create a mutually acceptable solution, rather than imposing traditional community rules and expectations. Agreement and long-term compliance rates using this model are much higher than with traditional mediation or court decisions.

One case in particular highlights the success of Partners-Kosova's mediation model in dealing with "blood feuds," or revenge killings that have been a traditional part of Kosovar society and culture for centuries. Blood feuds usually consist of threats and even violent attacks on a family member in retaliation for a murder or other wrong-doing. Male members of a targeted household are often forced to remain at home out of fear, which hinders everyday life and can lead to economic hardship for the family.

In this case, cousins G.K. and H.K. from the Drenas region in central Kosovo got into a minor feud with each other over a morality issue in their family. The quarrel escalated,

and G.K. shot H.K., killing him. The case went to local court, where G.K. was found guilty of murder and sentenced to ten years in prison. However, despite the verdict, H.K.'s family still found it necessary to avenge his death. Threats of violence from H.K.'s family severely hindered G.K.'s family's ability to work, socialize, and function normally in the village where they resided, affecting over 40 members of both families. The large number of people victimized by the conflict naturally attracted the attention of the local police, who intervened and unsuccessfully attempted to resolve the family feud. Mediation attempts were also made by the local Reconciliation Council, but H.K.'s family refused to reconcile. Enver Topilla, a respected member of the Reconciliation Council, realized that to successfully resolve the case the parties would have to receive additional assistance. He had recently attended a mediation training provided by Partners-Kosova, so he referred the case to the Director of the Center, Shukrie Gashi. Working together, Mr. Topilla and Ms. Gashi led several mediation sessions with the parties involved. The mediation resulted in H.K.'s family agreeing not to pursue revenge and the two families reconciling without the need for compensation for the death. One of the victim's uncles summed up his relief at the success of Partners-Kosova by declaring that "animosity [has been] replaced with brotherhood."

This case highlights the ways in which the Center's mediation services have had a positive impact on the disputing parties, and on the development of Kosovo's overall capacity for dealing with conflict. First, the victims of this particular dispute once again were able to lead normal lives without fear of retaliation. After the dispute was settled, the two families appeared on local television to demonstrate that blood feuds can be resolved peacefully. Second, the Center's work to promote mediation contributes to the development of a more effective and modern justice system. In Kosovo, as in the rest of Europe, law enforcement and courts only can resolve a small fraction of the disputes that arise between families, neighbors, business associates and others. Mediation is an essential component of a comprehensive rule-of-law system, a fact recognized by the international community as they seek to rebuild the country in line with European and global standards. Partners-Kosova is building a modern mediation service on the foundation of traditional cultural practices, thus ensuring that disputants understand and respect the process, and helping to advance Kosovo's democratic development.