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3.18.1. Blood feuds

COMMON ANALYSIS
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Blood feuds for revenge-taking can be the result of personal violence or wrong-doing that is seen as being against honour, disputes involving land, or in the context of family conflicts and relationships.

COI summary

Usually, blood feuds occur between non-State actors, for example within certain ethnic subgroups, and mostly in areas where the government and the rule of law is weak or non-present. Blood feuds arise mostly among Pashtuns, but it is also a practice among other ethnic groups in Afghanistan. The influence of the tribal context of blood feuds is less strong in large cities, but this does not automatically mean that a person would escape a blood feud entirely by moving away [Criminal law and customary justice, 1.3, pp. 13-14; 3, pp. 29-31; Society-based targeting, 7.1, pp. 83-84; 7.7.4, pp. 91-92].

Such feuds can become extremely violent, may involve killings, and can go on for generations. The societal and family obligations to carry out revenge are strong, and it is difficult for someone to resist or escape a blood feud [Criminal law and customary justice, 3, pp. 29-30; Society-based targeting, 7.1, pp. 83-84; 7.3, pp. 85-86; 7.7.4, pp. 91-92].

Adult men are the most frequent target of blood feuds. Usually, revenge is carried out against the brothers or other immediate male relatives of the perpetrator [Society-based targeting, 7.6, pp. 87-88].

Women and children are usually excluded from being direct targets of revenge killings in blood feuds. However, there have been examples in the media of children and women reportedly killed in relation to a blood feud or retribution. Negative consequences of blood feuds for women and children can occur through the practice of *'baad'* [Criminal law and customary justice, 3, pp. 29-30; Society-based targeting, 7.6, pp. 87-88]. See also 3.15.b. Violence against women and girls.

In some instances, blood feuds could be avoided through seeking the forgiveness (*nanawatai*) of the injured party and requesting that they forego retribution (*badal*). This could be done by the individual offender approaching the offended party to ask forgiveness, or through a jirga with local tribal elders and *ulemas*; however, women are excluded from taking part in such fora [Criminal law and customary justice, 3.2, pp. 31-32; Society-based targeting, 7.7.1, pp. 88-89].

Conclusions and guidance

Do the acts qualify as persecution under Article 9 QD?

Acts reported to be committed against family members involved in a blood feud are of such severe nature that they amount to persecution (e.g. killing).

What is the level of risk of persecution (well-founded fear)?

For men directly involved in a blood feud, well-founded fear of persecution would in general be substantiated.

For women, for children and for men who are farther removed from the feud, the individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: intensity of the blood feud, origin from areas where the rule of law is weak, etc.

Are the reasons for persecution falling within Article 10 QD (nexus)? 11

The individual circumstances of the applicant need to be taken into account to determine whether or not a nexus to a reason for persecution can be substantiated.

For example, family members involved in a blood feud may have a well-founded fear of persecution for reasons of membership of a particular social group, based on their innate characteristic (i.e. being a member of the family) and due to the fact that families are known and may have a distinct identity in the surrounding society.

Exclusion considerations could be relevant to this profile (see the chapter 7. Exclusion).

See other topics concerning individuals involved in blood feuds and land disputes:

- *3.18.1. Blood feuds*
- 3.18.2. Land disputes

- 11Take note that a request for preliminary ruling concerning the topic is currently pending at CJEU, Case C-217/23.

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