



Kosovo Women's Network

Serving, Protecting and Promoting the Rights of Women and Girls

Press Release

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KWN Reacts Against the Re-victimization of Women Experiencing Domestic Abuse

When dealing with domestic violence cases, judges, prosecutors, representatives of the Centres of Social Work and police officers as well tend to blame the victim or reconcile the family, even when all the evidence indicates violence with severe physical and emotional consequences, according to findings of Kosovo Women's Network (KWN) research.

This occurred in the case reported today, December 5, in a [Kallxo.com article](#) (*available in Albanian only*), which indicates violations of the Code of Criminal Procedure, in sessions monitoring by journalists. In this case, the Gjilan Court Branch in Viti confronted a victim of domestic violence with her husband-perpetrator of the violence. The woman in question required medical treatment as a consequence of the domestic abuse. The perpetrator prevented their son from seeking medical help for the victim, and then used violence against him too. According to this journal article, the perpetrator is a major within the Kosovo Security Force (KSF).

According to the same source, it is alleged that the prosecution requested a 30-day custody, but the victim was invited to the courtroom "*who without precedent for a justice case, asked for her husband not to be detained*", for the sake of calming the situation, and hence reduced his chances of punishment. Furthermore, according to Kallxo.com, which followed the case from the beginning, the judge in the case, Nexhat Aliu, stated that "...we did not call her [the victim]. She had a hearing for domestic violence before, we didn't even send her an invitation; she wanted to come, she wanted to come in and she did, but we did not send her an invitation". He further stated that "she is his wife and we are not destroying families; we are trying to get them together again".

KWN supports the conclusion of Kallxo.com stating that "the Code of Criminal Procedure has set strict rules where unauthorized persons, including victims, are not allowed to attend court sessions, despite what a Judge's assertions may be". Therefore, the Court was under obligation to act according to its duty and legal provisions, regardless of the victim's willingness to attend the hearing.

Further, KWN recalls the prosecution in Gjilan and other prosecutions in Kosovo under the Criminal Code of Kosovo, in cases of domestic violence, especially for crimes including injuries, conditions similar to slavery, or forced labour. For cases when rape or sexual assault is committed within family relationships, prosecution is required *ex officio*.

According to Article 70 of Kosovo Prosecutorial Council, the fact that the perpetrator is a Kosovo Security Force member should be considered among the aggravating circumstances when making a decision, and not facilitate the judicial proceedings of the suspect, as is the case here.

KWN demands that the Basic Court in Gjilan Branch in Viti treat this case according to the legal framework in place, while again calling upon the justice institutions to fulfil their legal obligations and not cause re-victimization and forced reconciliation between those people who pose high risk and their victims. Such tendencies for reconciliation have led to fatalities for women and girls, so there is a desperate need for increased care and proper risk assessment in domestic violence cases.

