

APPENDIX: FROM PAPER TO PRACTICE

KOSOVO MUST KEEP ITS COMMITMENTS TO DOMESTIC VIOLENCE
SURVIVORS

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←👁 *Cover photo: Protesters marching against systematic violence against women to mark International Women's Day in Pristina, Kosovo, 8 March 2023*
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INTRODUCTION TO THE APPENDIX

This appendix accompanies the Amnesty International report “*From paper to practice: Kosovo must keep its commitments to domestic violence survivors*” (Index No: EUR 73/7123/2023). The report used an innovative mixed-methods research approach to capture the experiences of survivors of domestic violence in Kosovo from multiple perspectives. The mixed-methods approach involved interviews with survivors and experts; desk research, including reviews of existing literature and media articles; formal requests to relevant officials for public information access; and quantitative analysis of a representative sample of court judgments.

This appendix provides more detail on each aspect of the quantitative research methodology, in-depth empirical analysis of the judgment data, and a codebook that describes the manual coding procedure employed. The data that Amnesty International extracted from these cases on judgments, defendants and victims is publicly available at <https://github.com/amnestyresearch/Kosovo-domestic-violence-report-2023>.

Section A describes how court decisions on domestic violence in Kosovo were identified and selected for analysis. Section B analyses the data from the judgments. Empirical analysis was performed using the R programming language for statistical computing. Section C explains the rules used to manually code data from judgments (codebooks) as well as the data available to the public.

A RESEARCH METHODOLOGY

A.1 IDENTIFYING FIRST INSTANCE JUDGMENTS ON DOMESTIC VIOLENCE

In Kosovo, criminal court proceedings are carried out over two regular instances: the seven Basic Courts are the first instance; the Court of Appeals hears complaints in the second instance.¹ Amnesty International conducted a systematic review of decisions of Kosovo's Basic Courts in the first instance. Second instance decisions from the Court of Appeals, as well as the Supreme Court, were excluded because the number of judgments on domestic violence is considerably lower compared to the Basic Courts. In addition, nearly all first instance judgments included in this analysis were decisions on admission of guilt. These cases are therefore unlikely to have been brought to the Court of Appeals for review.

Kosovo Law No.06/L-054 on Courts (2018, Article 6(3)) mandates that the Basic Courts publish their decisions, which includes judgments on domestic violence, within 60 days after they were issued.² Judgments are published to seven online databases, one for each Basic Court, as either PDF or Microsoft Word files. Table 1 lists each court database with its corresponding web address (URL).³

↓👁 Table 1: Web addresses (URLs) for online databases of the Basic Courts in Kosovo.

Basic Court	Web address (URL)
Ferizaj	https://ferizaj.gjyqesori-rks.org/publikimet/aktgjykimet/lista-me-aktgjykimet-e-fundit/?r=M
Gjakova	https://gjakove.gjyqesori-rks.org/publikimet/aktgjykimet/lista-me-aktgjykimet-e-fundit/?r=M
Gjilan	https://gjilan.gjyqesori-rks.org/publikimet/aktgjykimet/lista-me-aktgjykimet-e-fundit/?r=M
Mitrovica	https://mitrovica.gjyqesori-rks.org/publikimet/aktgjykimet/lista-me-aktgjykimet-e-fundit/?r=M
Peja	https://peje.gjyqesori-rks.org/publikimet/aktgjykimet/lista-me-aktgjykimet-e-fundit/?r=M
Pristina	https://prishtine.gjyqesori-rks.org/publikimet/aktgjykimet/lista-me-aktgjykimet-e-fundit/?r=M
Prizren	https://prizren.gjyqesori-rks.org/publikimet/aktgjykimet/lista-me-aktgjykimet-e-fundit/?r=M

The online databases of the Basic Courts can be searched systematically and provide a download option. Each judgment has two dates associated with it. One is the date the court announced its decision, the other is the date that the judgment was published online. Amnesty International relied on four Albanian search terms (DHUNË NË FAMILJE, DHUNËN NË FAMILJE, DHUNËS NË FAMILJE, DHUNA NË FAMILJE) to identify court decisions on “domestic violence” that were published to the online databases listed in Table 1 during an almost five-year period from 01 November 2017, to 12 December 2022. This date range was selected to include cases before and after the legislative amendments in April 2019, which recognized domestic violence as a distinct criminal offence in Kosovo.⁴

The court decisions that the systematic searches initially identified were processed using the following steps:

1. Remove duplicate records.
2. Remove judgments for which a PDF or Word document was not available.
3. Manually fill in missing announcement dates based on information available in the judgment.
4. Drop court decisions that were announced before 01 January 2018.

¹ The Supreme Court hears cases or petitions of extraordinary legal remedies.

² Kosovo Law on Courts No.06/L-054 is available at <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=18302>, last accessed 12 April 2023.

³ The web addresses of the online databases of Kosovo's Basic Courts were last accessed 11 April 2023.

⁴ Kosovo, Criminal Code 06/L-074 of the Republic of Kosovo, 2019, Article 43, available at <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=18413>, last accessed 16 August 2023.

These data processing steps resulted in a research population of 1,684 Basic Court judgments on domestic violence that were announced between 01 January 2018 and 18 November 2022.⁵

In the research population, judgments on domestic violence are classified into three different categories depending on the legal department that handled the case (Table 2). The *Kosovo Department for General Matters, Criminal Division* has jurisdiction over the majority of domestic violence cases. These decisions are marked as type “P” (or “Penal”) in the online databases. For the purposes of this analysis, court decisions of type “C” (or “Civil”) were irrelevant because they were decisions on matters that did not include criminal judgments on domestic violence. Criminal judgments of type “PKR” (or “Penal aggravated”), that were handled by the *Kosovo Department of Aggravated Crimes*, were also excluded. These judgments only mentioned the term “domestic violence” and were concerned with other criminal offences, such as the possession of illegal firearms. Amnesty International’s systematic review was concerned with the 1,637 (97.2%) decisions of type “Penal (P)” to explore how Kosovo’s criminal justice system engages victims while handling domestic violence cases.

↓👁 Table 2: Domestic violence verdicts, by legal type.

Legal type	Number of verdicts	(%)
Penal (P)	1,637	97.2
Penal aggravated (PKR)	27	1.6
Civil (C)	20	1.2
Total	1,684	100.0

Kosovo’s Basic Courts probably issue many more domestic violence judgments than get published. A report prepared by the non-governmental organization FOL Movement compared official data from the Kosovo Judicial Council to the actual number of published decisions and found that Kosovo courts published only 36% of their decisions between January and December 2022⁶. While this constituted a 41% publication increase compared to the previous year⁷, it suggests that only a small proportion of Kosovo’s Basic Court judgments are publicly available for in-depth analysis. Given these limitations, Amnesty International’s systematic review of how domestic violence cases were handled in Kosovo’s criminal court system can only be based on the court decisions that were published during the observation period.

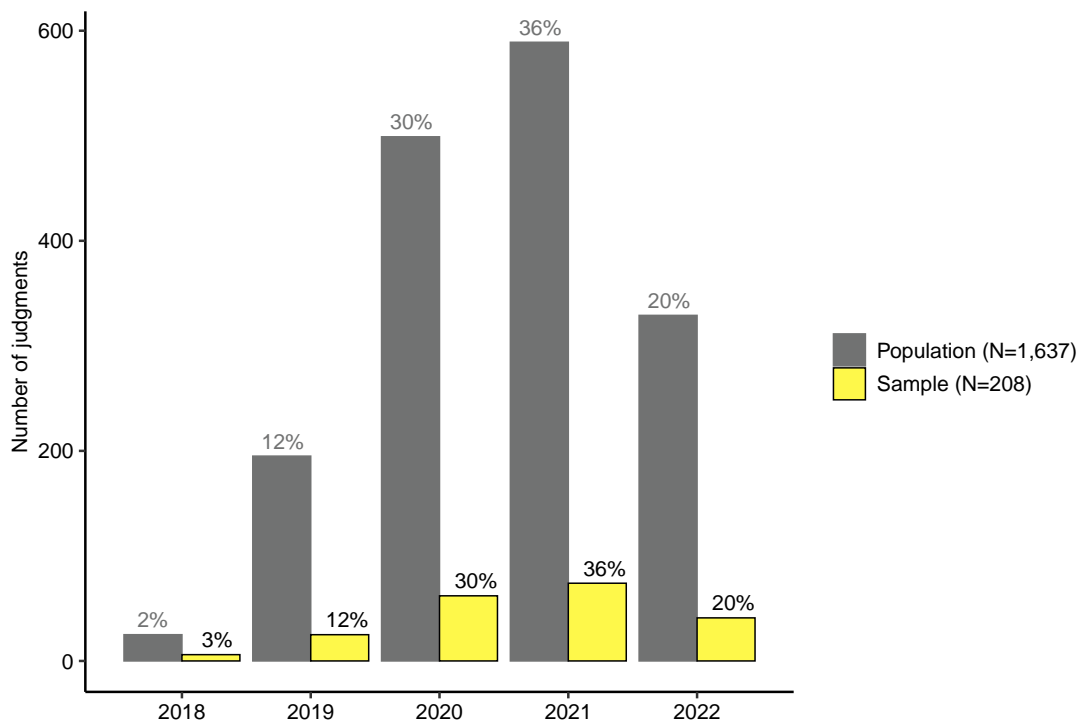
A.2 SAMPLING DECISIONS OF KOSOVO'S BASIC COURTS ON DOMESTIC VIOLENCE

Amnesty International researchers generated a random sample of the 1,637 domestic violence judgments that would represent the population of judgments by Basic Court and year, but not generate estimates by Basic Court or year. To maintain the Basic Court and temporal distribution, court decisions were sampled systematically by adopting an implicit stratification strategy. First, the population of judgments was shuffled, then it was sorted by year, then Basic Courts. Very few decisions were available for 2018 (25 judgments, 1.5%). For that year, a random starting point was identified, then every fourth record was selected. For the remaining four-year period from 2019 to 2022, a random starting point was identified, then every eighth record was selected. This sampling strategy produced a systematic random sample of 208 criminal judgments on domestic violence cases. Analysis of the annual and Basic Court distribution of sampled decisions was confirmed to reflect the distribution in the population (Figure 1).

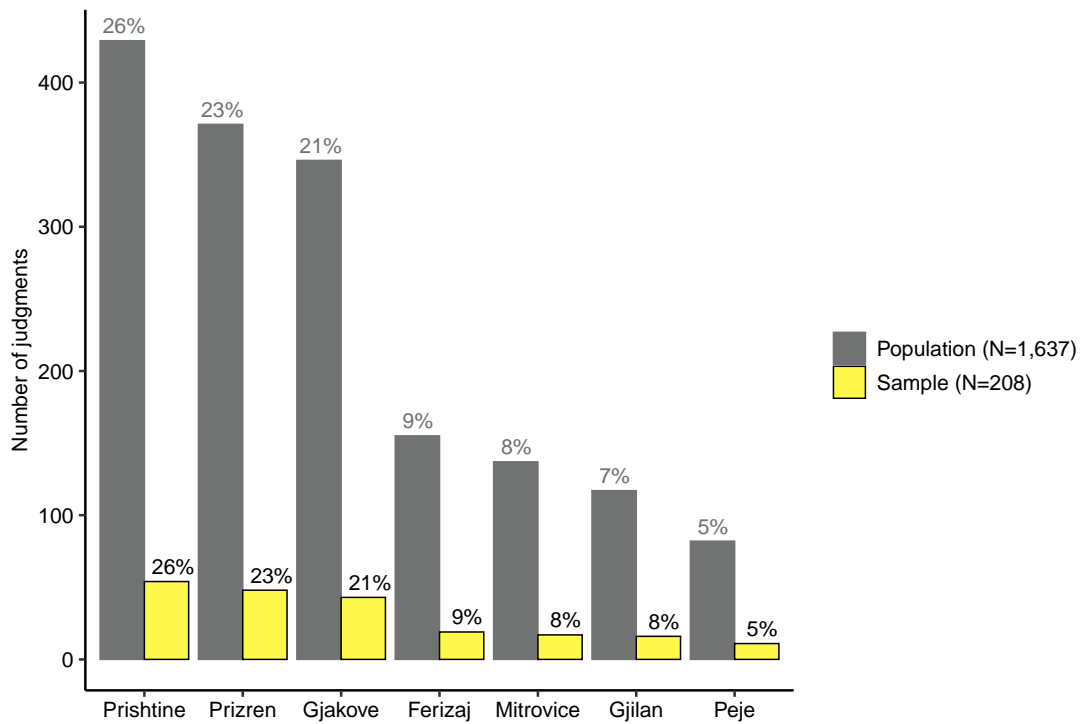
⁵ In this data set, the last date of announcement (18 November 2022) is prior to the last date of publication (12 December 2022) because of the delay between when a court decision gets announced and then published online.

⁶ FOL Movement. *Report on the monitoring of the publication of judicial decisions (January – December 2022)*. Mar. 2023. URL: <https://levizjafol.org/wp-content/uploads/2023/03/MONITORING-OF-THE-PUBLICATION-OF-JUDICIAL-DECISIONS.pdf>, p. 6.

⁷ FOL Movement. *Report on the monitoring of the publication of judicial decisions (January – December 2022)*. Mar. 2023. URL: <https://levizjafol.org/wp-content/uploads/2023/03/MONITORING-OF-THE-PUBLICATION-OF-JUDICIAL-DECISIONS.pdf>, p. 6.



(a) By year



(b) By Basic Court

↑👁 Figure 1: Comparative distribution of population versus sample of court decisions on domestic violence.

A.3 MANUALLY CODING BASIC COURT JUDGMENTS ON DOMESTIC VIOLENCE

Each judgment in the sample comprised multiple pages of text in Albanian language. A native Kosovo Albanian researcher, who is a legally trained professional, carefully read each sampled decision and systematically extracted information on a variety of issues regarding victims, defendants, reported types of violence, criminal offences, court proceedings, case-specific circumstances, and sentencing. Section C of this appendix provides detailed information on the rules by which each variable was manually coded.

Following in-depth analysis, eight decisions were dropped because they were either unclear, provided insufficient detail for drawing systematic insights about the case and court proceedings, or, while the case mentioned domestic violence, the actual court proceedings dealt with an unrelated type of criminal offence. Following this additional filtering step, a total of 200 judgments remained in the research sample.

To ensure reliability of the manually coded data, the researcher reviewed 79 decisions twice to confirm that each variable was coded accurately. Furthermore, 10 of the remaining 121 court decisions were sampled to be recoded by the same researcher in a second session four months after the first round of manual coding had been completed. Measures of inter-rater reliability indicated “*strong*” or “*near perfect agreement*” based on 84.9% of agreement using a simplistic percentage-based assessment. Cohen’s (unweighted) Kappa was 0.82 [0.78,0.85].⁸ A review of disagreement between coding sessions determined that 84% of the time the original data had been correct, while the recoding for inter-rater reliability purposes had introduced data errors. This confirmed reliability of the original manually coded data. Data errors that inter-rater reliability analysis identified were rectified before empirical analysis was completed.

Of the 200 Basic Court decisions remaining in the sample, in three court cases it was ruled that the alleged defendant was not guilty either due to a statute of limitations or a lack of evidence. As these cases would not contain information on victims, convictions or sentencing, these decisions were also dropped. This left a total of 197 court decisions containing guilty verdicts for empirical analysis.

While most court decisions concerned only one defendant, several decisions handled two or three defendants (Table 3). In the case of multiple defendants, a court decision was coded as many times as there were defendants to systematically capture information on victims, respective sentencing, mitigating and aggravating circumstances, etc. Accounting for all defendants across court decisions, information on a total of 218 (guilty) defendants and related court judgments was retrieved from the systematic random sample of Basic Court decisions on domestic violence.

↓👁 Table 3: Number of defendants, per domestic violence decision

Number of defendants per decision	Number of judgments	(%)
1	177	89.8
2	19	9.6
3	1	0.5
Total	197	99.9

Most defendants in the sample only had one victim. Some defendants, however, had multiple victims (Table 4). This resulted in a total of 255 victims across the 218 court judgments in the sample.

↓👁 Table 4: Number of domestic violence victims, per defendant and judgment.

Number of victims per defendant	Number of defendants	(%)
1	189	86.7
2	21	9.6
3	8	3.7
Total	218	100.0

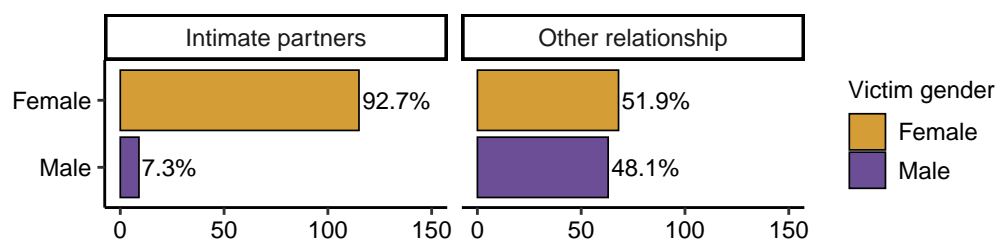
⁸ The computation of Cohen’s Kappa excluded two variables that measured at the interval scale (SENTENCE.FINE, SENTENCE.IMPRISONMENT.MONTHS). Inter-rater reliability analysis of the interval-level variables showed “*perfect*” (1.0) or “*near perfect*” (0.9) agreement.

B EMPIRICAL ANALYSIS OF BASIC COURT JUDGMENTS ON DOMESTIC VIOLENCE

Quantitative analysis of Amnesty International’s systematic random sample of court decisions by Kosovo’s Basic Courts has provided empirical insights into the data on domestic violence in Kosovo. The systematic random sample is representative of domestic violence cases in Kosovo that were handled by Kosovo’s first instance criminal courts and published to the online databases of Kosovo’s Basic Courts during the examined time period. The nature of this sample does not allow any broader, more general inference about domestic violence in Kosovo. This is because the proportion and characteristics of domestic violence cases that never get reported to the authorities remain unknown. Equally unknown are the proportion and characteristics of domestic violence cases that never proceed to criminal prosecution, and that do not get published to the online databases of Kosovo’s Basic Courts once criminal proceedings have taken place.

B.1 VICTIMS

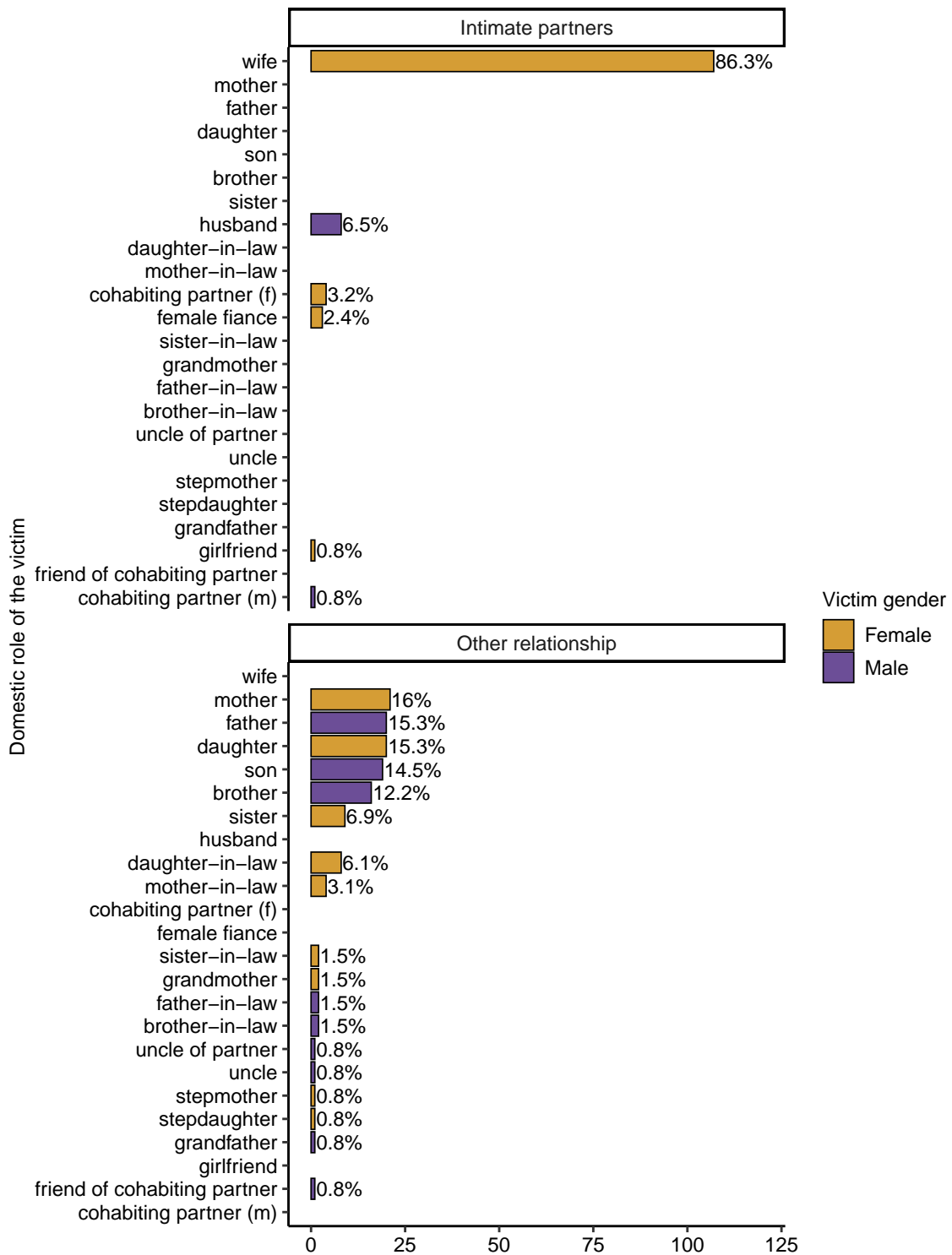
In the court decisions that were systematically reviewed, information on a total of 255 victims was extracted. Of these, 183 individuals were female (71.8%) and 72 individuals were male (28.2%). Across all victims, 124 persons were in intimate partnerships (48.6%), and 131 were in other relationships (51.4%).⁹ In intimate partnerships, 115 victims were female (92.7%), which is the vast majority. In other relationships, 68 victims (51.9%) were female (Figure 2).



↑👁 Figure 2: Comparative distribution of victims’ gender, by type of relationship.

In intimate partnerships, the main domestic role of the victim was “wife” (Figure 3).

⁹ An “intimate partnership” was considered one between spouses, engaged couples, boyfriends and girlfriends, cohabiting partners, as well as ex-relationships of that type. All “other relationships” were those between parents and children, siblings, grandparents and grandchildren, and other family members. See the codebook below for details (Section C.4).



↑👁 Figure 3: Comparative distribution of victims' domestic role, by gender and type of relationship.

B.1.1 VICTIMS WITHDRAWING FROM PROSECUTION

When victims do not support the indictment, they withdraw from prosecution. Analysis found that a total of 90 victims (35.3%) withdrew their support of the indictment. Table 5 shows a breakdown of victims' support of the indictment based on information available in the court decisions.

↓👁 *Table 5: Distribution of victims regarding their support of the indictment, as mentioned in the judgment.*

Support of indictment	Number of victims	(%)
Yes	165	64.7
No	90	35.3
Total	255	100.0

There are various reasons why victims may withdraw from prosecution. Amnesty International tracked two reasons in the court decisions that mentioned why victims withdrew their support. A review found that a total of 40 victims, which was 44.4% of victims who withdrew from prosecution, did so because they reported still being in a relationship with the defendant. Another nine victims, which was 10% of victims who withdrew their support of the indictment, did so because they reported being dependent on the defendant's financial support for themselves and/or the family.

B.1.2 VICTIMS' PRESENCE DURING COURT PROCEEDINGS

About two thirds of victims (170 victims, 66.7%) were mentioned to have been present in court during criminal proceedings. Table 6 shows the distribution of victims with regard to their presence in court proceedings, per information available in the court decisions.

↓👁 *Table 6: Distribution of victims regarding whether they were reported to have been present in court during criminal proceedings.*

Victim present in court	Number of victims	(%)
Yes	170	66.7
No	84	32.9
Not mentioned	1	0.4
Total	255	100.0

Of the 170 victims who were present in court, 86 victims (50.6%) supported the indictment, which means they did not withdraw from the prosecution. Table 7 shows the distribution of victims with regard to their support of the indictment depending on their presence during court proceedings.

↓👁 *Table 7: Distribution of victims with regard to their support of the indictment depending on whether they were reported to have been present in court during criminal proceedings.*

Victim present in court	Victim supports the indictment	Number of victims	(%)
Yes	Yes	86	50.6
Yes	No	84	49.4
Not mentioned	No	1	100.0
No	Yes	79	94.0
No	No	5	6.0

B.1.3 PROFESSIONAL LEGAL REPRESENTATION

Victims can be represented by a legal professional during court proceedings. Across all victims, 52 victims (20.4%) were represented by a victim advocate. Conversely, eight victims (3.1%) were represented by a private attorney. The majority of victims (199 individuals, 78%) were not represented by any legal professional. This finding is comparable to a recent report that found that 72% of victims did not have any

professional legal representation¹⁰. Table 8 shows a breakdown of the types of professional legal representation across victims according to available information in the judgments.

↓👁 *Table 8: Distribution of victims as to whether they were represented by a victim advocate and/or private attorney during criminal proceedings.*

Victim advocate	Private attorney	Number of victims	(%)
No	No	199	78.0
Yes	No	48	18.8
No	Yes	4	1.6
Yes	Yes	4	1.6
		Total	255 100.0

Amnesty International's systematic review of court decisions also looked at whether victims had professional legal representation either by a victim advocate or a private attorney and whether they were present in court. Analysis found that 47.5% victims were present in court without any legal representation, while 30.6% victims were neither present in court nor did they have legal representation, and 19.2% of victims were present in court with representation by a legal professional (Table 9).

↓👁 *Table 9: Distribution of victims as to whether they were present in court and whether they had professional legal representation by a victim advocate and/or a private attorney.*

Victim present in court	Professional legal representation	Number of victims	(%)
Yes	No	121	47.5
No	No	78	30.6
Yes	Yes	49	19.2
No	Yes	6	2.4
Not mentioned	Yes	1	0.4
		Total	255 100.1

B.1.4 DAMAGE COMPENSATION AWARD REQUESTS

A total of 13 victims (5.1%) asked the court for damage compensation awards. For 96 victims (37.6%) this information was not available in the court decisions. Table 10 shows the distribution of available information on damage compensation award requests across victims.

↓👁 *Table 10: Distribution of information on victims asking for damage compensation awards.*

Asked for damage compensation award	Number of victims	(%)
No	146	57.3
Not mentioned	96	37.6
Yes	13	5.1
Total	255	100.0

The courts elaborated on the compensation award requests of three victims, which was 23.1% of all victims who had requested damage compensation.

Amnesty International's systematic review revealed that across all 218 judgments (100%), no compensation was awarded to the victims.

In 119 judgments (54.6%), the courts referred victims to civil proceedings for compensation. Among those were the 13 compensation award requests, which were made in the context of 11 judgments, that were also referred to civil proceedings (11 decisions, 100%).

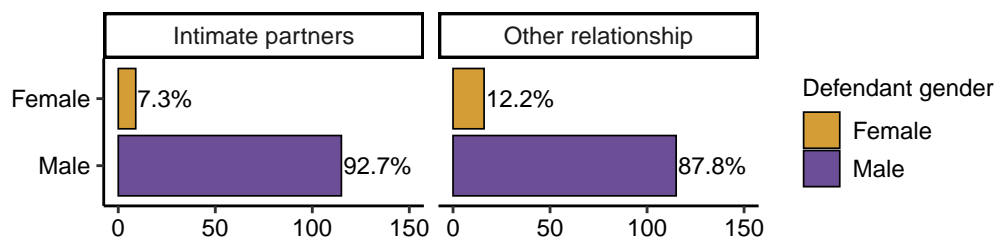
¹⁰ Kosovo Law Institute. *The Istanbul Convention in the verdicts of courts in Kosovo*. Sept. 2022. URL: https://kli-ks.org/wp-content/uploads/2023/03/The-Istanbul-Convention-in-the-verdicts-of-courts-in-Kosovo_ENG.pdf, p. 4.

B.1.5 VICTIMS CONSIDERED DEFENDANTS

In a total of 14 court decisions on domestic violence, individuals who were described as a victim of the defendant were also considered defendants and handed a sentence. Of those decisions, six cases concerned individuals who were in an intimate relationship.

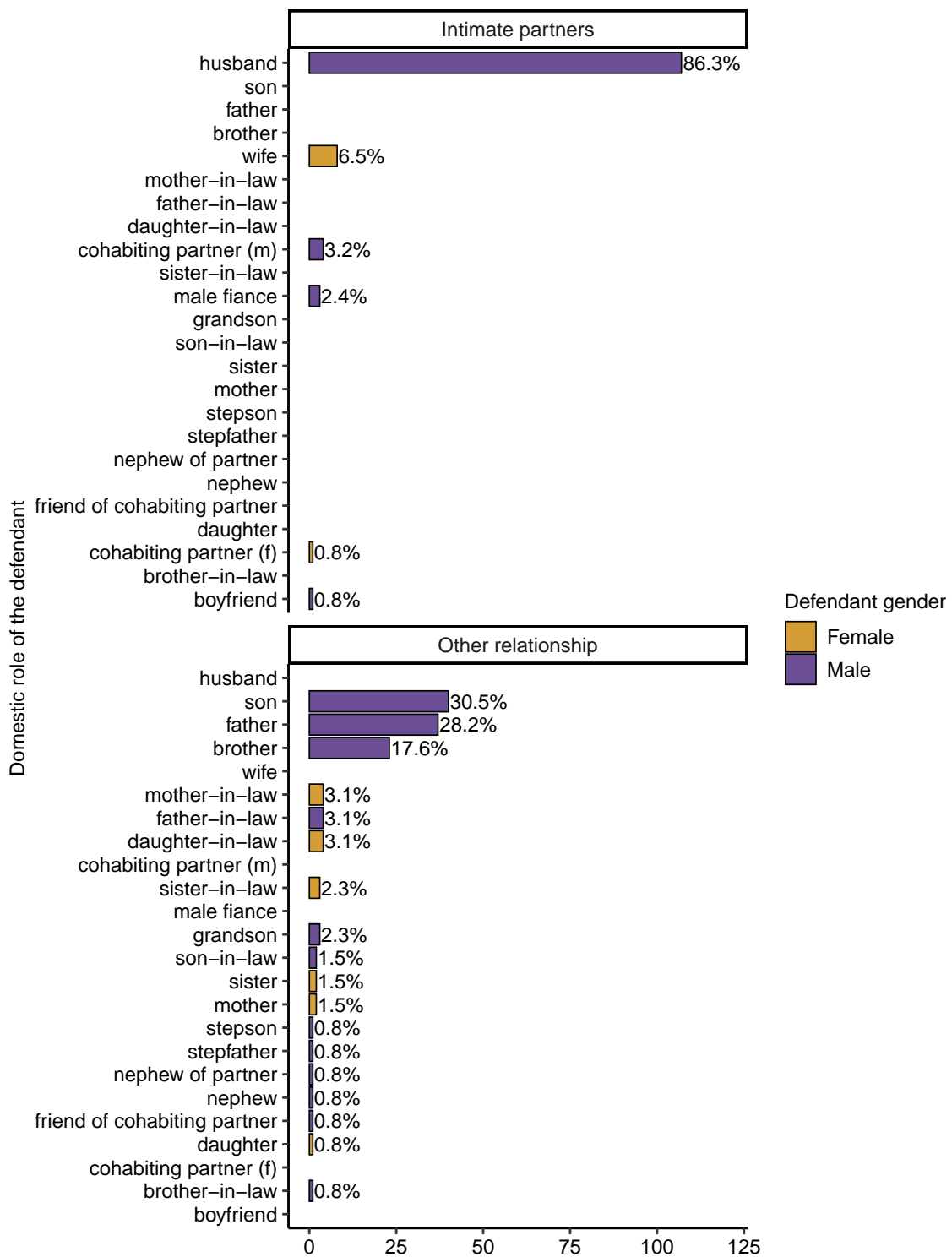
B.2 DEFENDANTS

Amnesty International extracted information on 255 defendant-victim pairs from the court decisions. The analysis of defendants in this section counts an individual as many times as a defendant as they had victims to examine gender and domestic roles in these relationships (see Table 4). Across all victim-defendant pairs, 230 defendants were male (90.2%) and 25 defendants were female (9.8%). Across all defendants, 124 individuals were in intimate relationships (48.6%), and 131 were in non-intimate relationships (51.4%). In intimate relationships, 115 individuals (92.7%) were male. In all other relationships, 115 individuals (87.8%) were male (Figure 4).



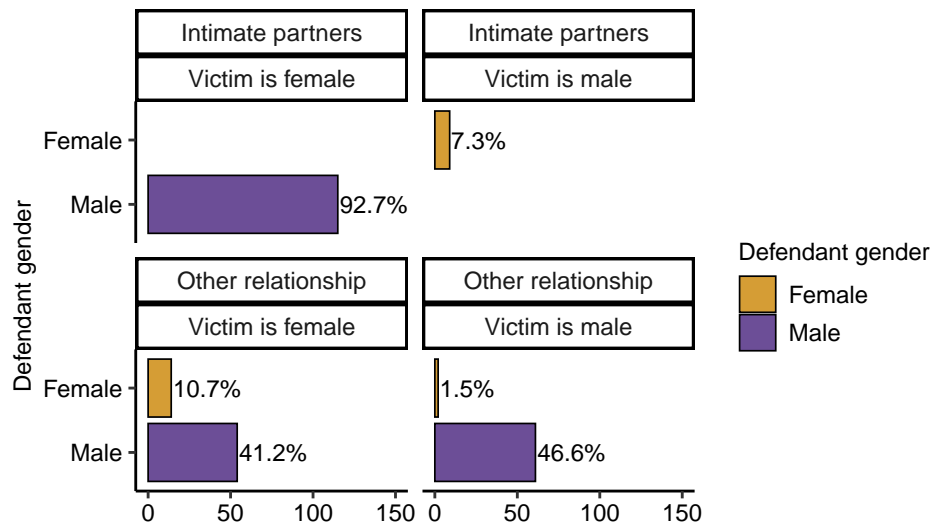
↑👁 Figure 4: Comparative distribution of defendant gender, by type of relationship.

In intimate relationships, the main domestic role of a defendant was “husband”, in non-intimate relationships it was “son”, “father”, and “brother” (Figure 5).



↑👁 Figure 5: Comparative distribution of defendants' domestic role, by gender and type of relationship.

Figure 6 breaks down gender pairings of defendants and victims by type of relationship. As can be seen, in intimate relationships, 92.7% defendants were male while 7.3% defendants were female. Conversely, in all other relationships, in 41.2% cases the victim was female while the defendant was male, and in 46.6% cases both the victim and the defendant were male.



↑👁 Figure 6: Comparative distribution of the gender of defendants and victims, by type of relationship.

B.2.1 ETHNICITY OF DEFENDANTS

A systematic review of sampled judgments suggested that 179 defendants (82.1%) were ethnic Albanians. The remaining 17.9% of defendants were of other ethnic origin, or information on their ethnicity could not be gleaned from the court decisions (Table 11). These findings suggest that, with regard to cases that get prosecuted in court and result in a conviction and are published online, all relevant ethnic groups present in contemporary Kosovo perpetrate domestic violence.

↓👁 Table 11: Ethnicity of defendants, as mentioned in court decisions.

Ethnicity	Number of defendants	(%)
Albanian	179	82.1
Ashkali	10	4.6
Not mentioned	8	3.7
Serbian	6	2.8
Roma	5	2.3
Turkish	5	2.3
Egyptian	4	1.8
Bosniak	1	0.5
Total	218	100.1

B.3 REPORTED VIOLENCE

Across the court decisions that Amnesty International reviewed systematically, the majority of domestic violence cases (79.8%) involved physical violence, while 68.8% involved psychological violence. A total of three cases (1.4%) involved sexual violence (see Table 12 for more detail).

In more than half of domestic violence cases (117 cases, 53.7%), victims were reported to have experienced two or three different types of violence at the same time (Table 13).

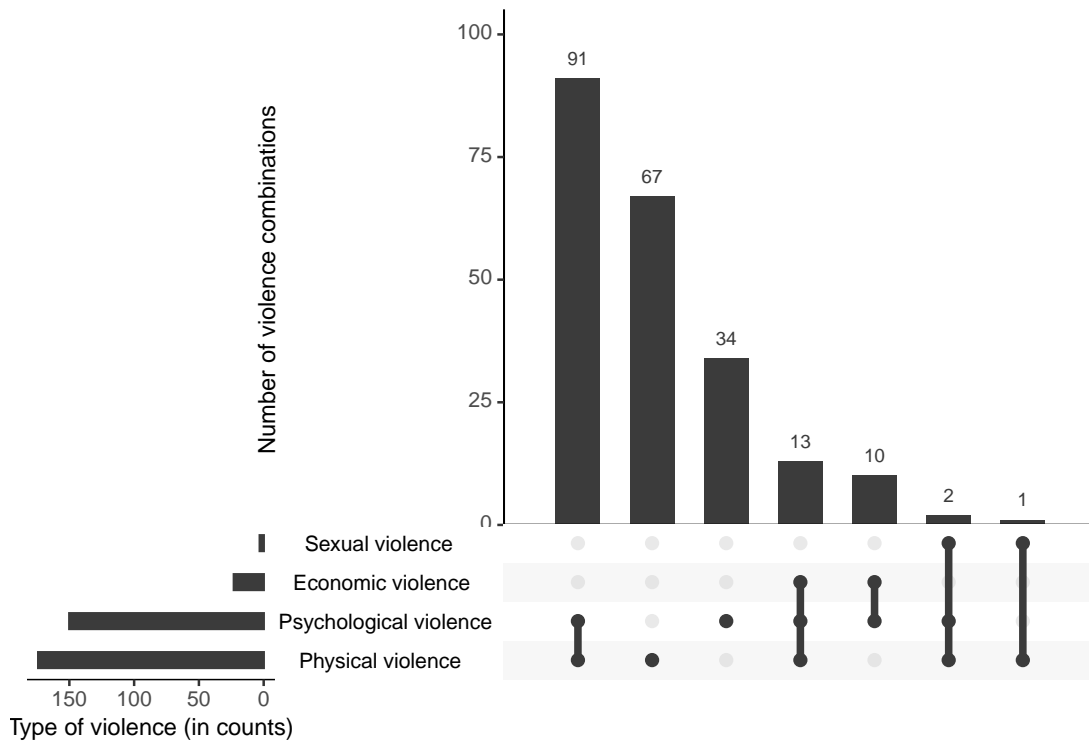
↓👁 Table 12: Summary of reported type of violence, across all defendants.

Type of violence	Number of observations	(%)
Physical violence	174	79.8
Psychological violence	150	68.8
Economic violence	23	10.6
Sexual violence	3	1.4

↓👁 Table 13: Number of types of reported violence, per defendant.

Number of types of violence	Number of defendants	(%)
1	101	46.3
2	102	46.8
3	15	6.9
Total	218	100.0

Because a significant number of victims were reported to have experienced more than one type of violence, Figure 7 shows the different combinations of the types of violence that were reported in the case descriptions. For example, 91 defendants (41.7%) were reported to have committed a combination of physical and psychological violence, while 67 defendants (30.7%) were reported to have only committed physical violence.



↑👁 Figure 7: Type of reported violence combinations across 218 defendants.

B.4 CRIMINAL OFFENCES

Defendants of domestic violence were convicted for a variety of criminal offences. For example, 149 defendants (68.3%) were convicted of “domestic violence”, while 55 defendants (25.2%) were convicted of “light bodily injury”. Table 14 provides a summary of the different criminal offences that Amnesty International’s systematic review identified across 218 judgments.

The majority of defendants in Amnesty International’s systematic sample of court decisions (179 defendants,

↓👁 *Table 14: Summary of criminal offences across all defendants.*

Criminal offence	Number of defendants	(%)
Domestic violence	149	68.3
Light bodily injury	55	25.2
Assault	18	8.3
Threat	17	7.8
Violation of a protection order	6	2.8
Destruction of property	5	2.3
Contempt of court	4	1.8
Harassment	2	0.9
Unlawful deprivation of liberty	2	0.9
Aggravated bodily injury	1	0.5
Coercion	1	0.5
Illegal possession of firearms	1	0.5

82.1%) were only convicted of one criminal offence. A total of 39 defendants (17.9%) were convicted of more than one criminal offence. Table 15 provides an overview of the frequency distribution of the number of criminal offences per defendant.

↓👁 *Table 15: Number of criminal offences, per defendant.*

Number of offences	Number of defendants	(%)
1	179	82.1
2	34	15.6
3	4	1.8
4	1	0.5
Total	218	100.0

B.5 SENTENCING

Defendants deemed guilty of offences related to domestic violence can receive a variety of sentences, including imprisonment, a suspended imprisonment sentence, a fine, a suspended fine, community service, and a court reprimand. In addition, a court could issue various orders such as to make a payment to the victim compensation fund, to undergo mandatory psychiatric treatment or psychological counselling, that the defendant use their income to fulfil their family duties, or that defendants' probation period is overseen by the official Probation Service.

Table 16 shows the frequency distribution of sentences across defendants. For example, 160 defendants (73.4%) received a suspended imprisonment sentence.

↓👁 *Table 16: Frequency distribution of sentences across defendants.*

Type of sentence	Number of defendants	(%)
Suspended imprisonment	160	73.4
Fine	98	45.0
Suspended fine	43	19.7
Imprisonment	25	11.5
Court reprimand	5	2.3

Table 17 shows the frequency distribution of court orders across defendants. For example, 181 defendants (83%) were ordered to make a payment to the victim compensation fund.

Table 18 provides summary statistics of the distribution of sentences, fines and payments for all defendants in either months or euros, respectively, regarding the total number of defendants (N), minimum, mode and mean values, standard deviation, median and maximum values.

↓👁 Table 17: Frequency distribution of orders across defendants.

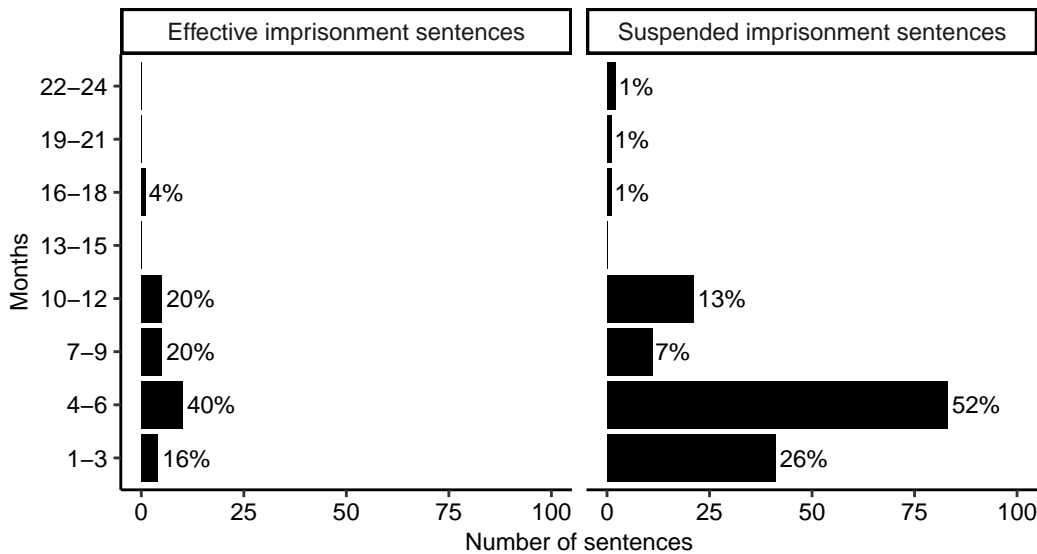
Type of order	Number of defendants	(%)
Pay victim compensation fund	181	83.0
Probation service oversight	24	11.0
Mandatory psychiatric treatment	12	5.5
Community service	2	0.9
Psychological counselling	1	0.5
Use financial resources for family	1	0.5

↓👁 Table 18: Summary statistics for the distribution of sentences and orders that can be expressed in euros or months.

Sentences	N	Min	Mode	Mean	SD	Median	Max
Pay victim compensation fund (in euros)	181	20	30	30	1	30	30
Suspended imprisonment (in months)	160	1	6	6	4	6	24
Fine (in euros)	98	100	200	375	346	250	1,880
Suspended fine (in euros)	43	100	200	309	190	200	1,000
Imprisonment (in months)	25	1	12	7	4	6	16

B.5.1 DISTRIBUTION OF EFFECTIVE AND SUSPENDED IMPRISONMENT SENTENCES, IN MONTHS

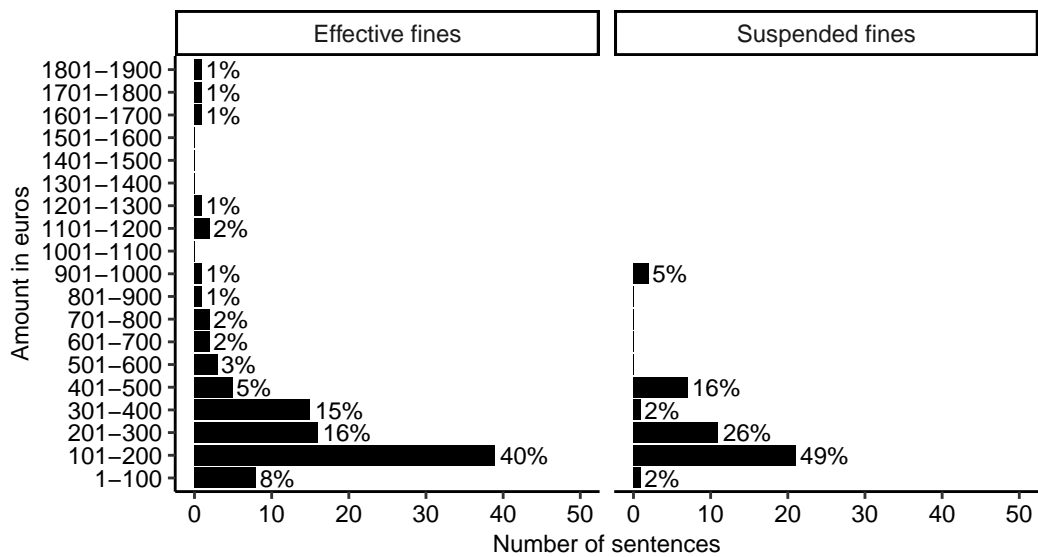
Figure 8 shows the distribution of effective imprisonment sentences and suspended imprisonment sentences in months. As can be seen, most imprisonment sentences were of 12 months length or less. Of the effective imprisonment sentences, 40% were of length four to six months, while 52% of suspended imprisonment sentences were of that length.



↑👁 Figure 8: Frequency distribution of effective and suspended imprisonment sentences, in months.

B.5.2 DISTRIBUTION OF EFFECTIVE AND SUSPENDED FINES, IN EUROS

Figure 9 shows the distribution of effective fines and suspended fines in euros. As can be seen, 40% of effective fines were between 101 and 200 euros, while 49% of suspended fines were in that range.



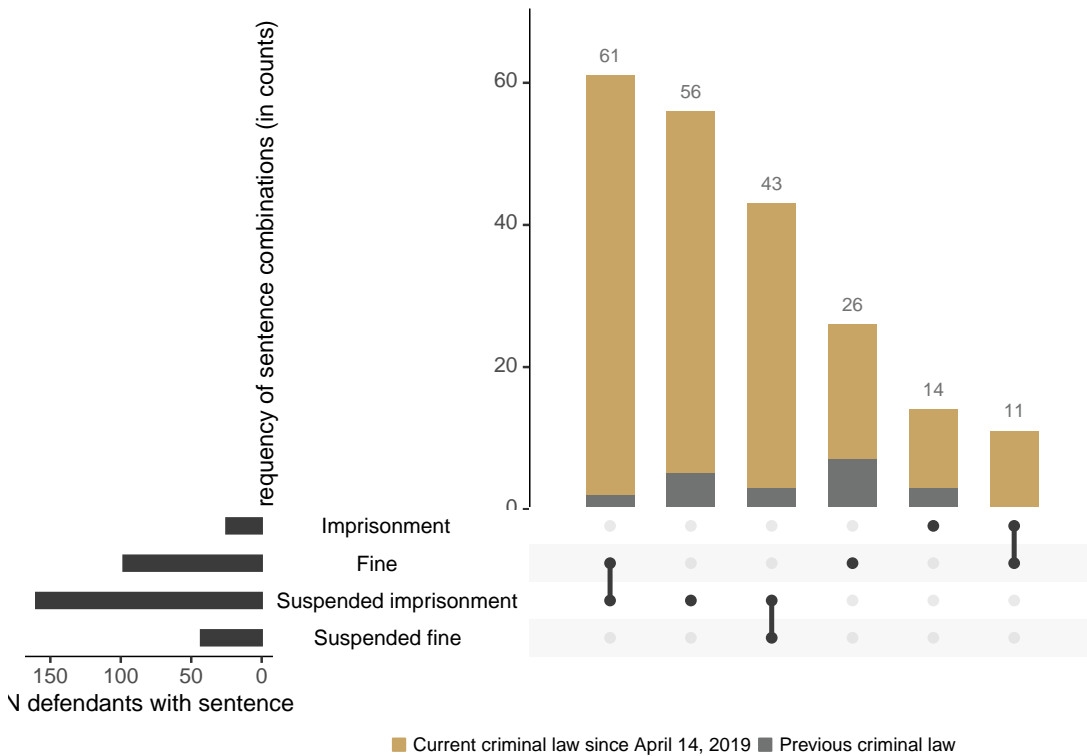
↑👁 Figure 9: Frequency distribution of effective and suspended fines across defendants, in euros.

B.5.3 ORDER TO MAKE A PAYMENT TO THE VICTIM COMPENSATION FUND

There were a total of 181 orders to make a payment to the victim compensation fund. Of those, one defendant was ordered to pay 20 euros, the remaining 180 defendants were ordered to make a payment of 30 euros.

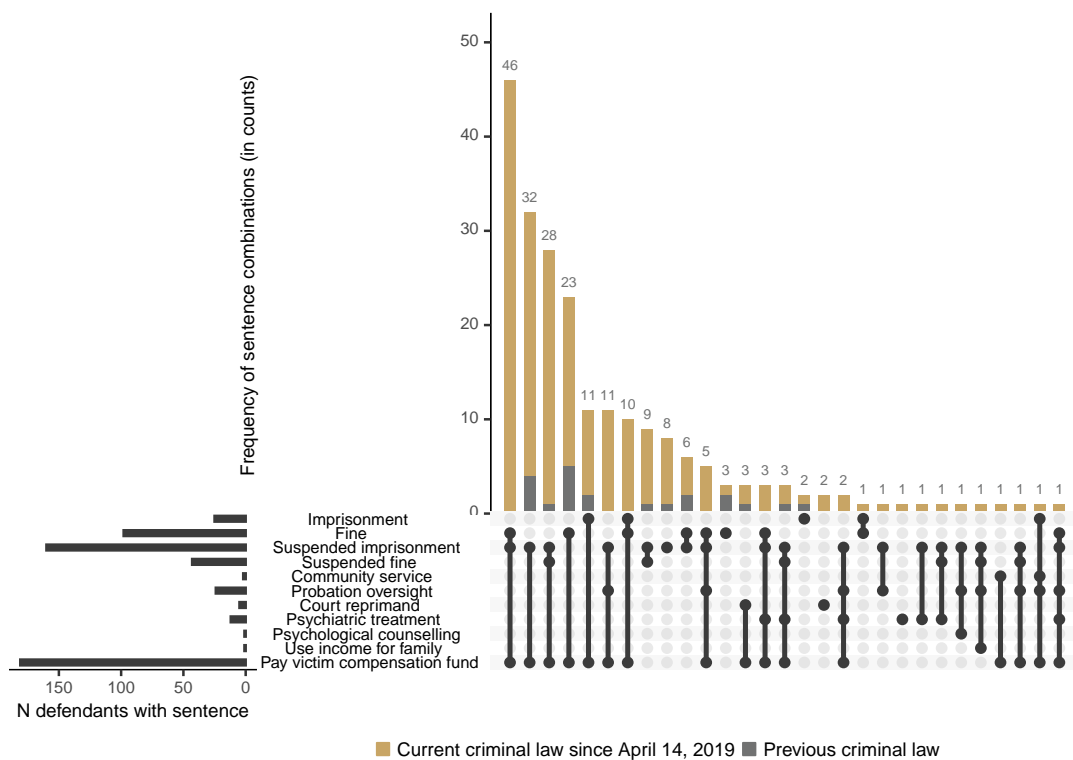
B.5.4 COMBINATIONS OF SENTENCES AND ORDERS

According to the Criminal Code of Kosovo, imprisonment and fine sentences are considered primary sentences. As can be seen in Table 16, a total of 45% of defendants received a primary sentence in the form of a fine, and 11.5% of defendants received an imprisonment sentence. Figure 10 looks at the combinations of primary sentences in terms of fines and imprisonment sentences, as well as suspended fines and imprisonment sentences for 211 defendants who received at least one (suspended) primary sentence. Here, the most common combination is a suspended imprisonment sentence with a fine (61 defendants, or 28%), followed by a suspended imprisonment sentence (56 defendants, or 25.7%).



↑👁 Figure 10: Sentence combinations for (suspended) imprisonment and (suspended) fine sentences across 211 defendants who received at least one primary sentence, by status of current and previous criminal law.

Defendants typically receive a combination of sentences and orders. Figure 11 explores the various combinations that Amnesty International observed in a systematic random sample of court decisions. The most common is a combination of two sentences – suspended imprisonment and a fine, combined with an order to make a payment to the victim compensation fund (46 defendants, or 21.1%). The second most common combination is a suspended imprisonment sentences paired with an order to make a payment to the victim compensation fund (32 defendants, or 14.7%)



↑👁 Figure 11: Observed combinations of sentences and orders across 218 defendants, by status of current and previous criminal law.

B.5.5 ORDER OF OVERSIGHT FROM PROBATION SERVICE

For a total of 24 (11%) defendants, a judge ordered that their sentence be overseen by the probation service. Most of these orders of probation service oversight (20 orders, or 83.3%) were issued by one judge in the Gjakova municipality.

Only suspended imprisonment sentences and community service orders can be overseen by the Probation Service. Of all 160 suspended imprisonment sentences, 23 defendants (14.4%) received a court order to be overseen by the probation service. Of the two orders to engage in community service, one defendant (50%) received a court order to be overseen by the probation service.

B.5.6 MITIGATING CIRCUMSTANCES

Under the Criminal Code of Kosovo, courts may consider a range of mitigating factors when deciding on a sentence. These factors may relate to the personal circumstances and behaviour of the defendant, as well as circumstances of the victim(s). For example, in 48 cases (22% of 218 judgments), judges considered it as a mitigating factor that defendants showed good behaviour during court proceedings. Furthermore, in 40 cases (18.3% of 218 judgments), judges considered it as a mitigating factor that defendants had children.¹¹

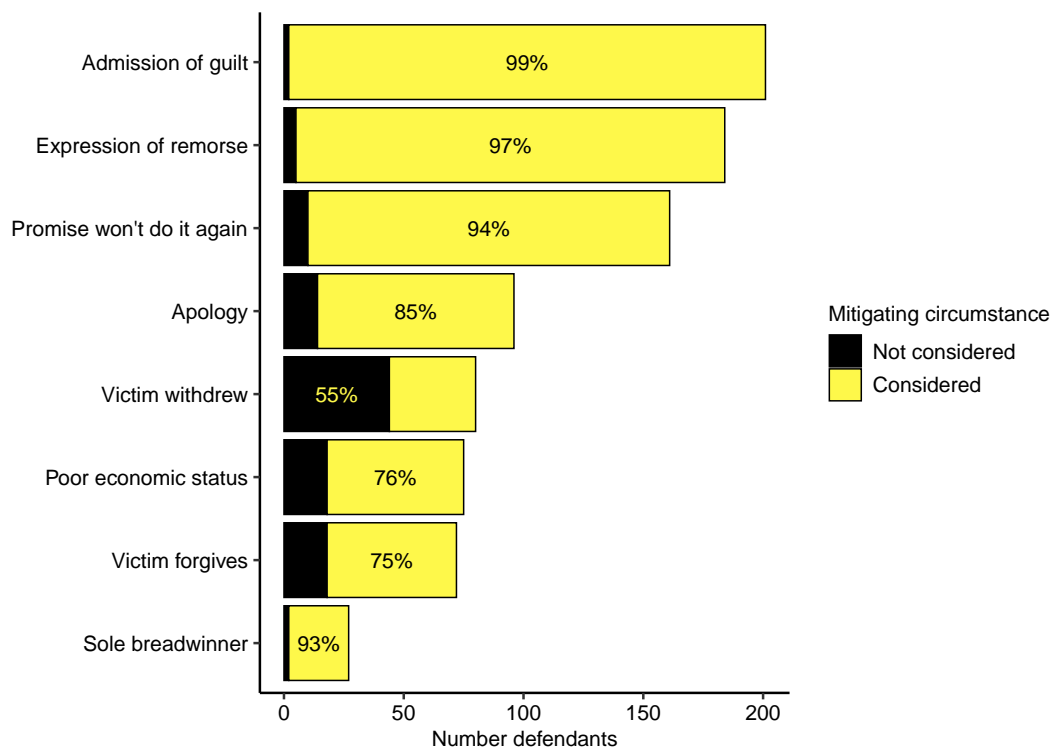
Table 19 summarizes the consideration of mitigating circumstances during sentencing that Amnesty International's systematic review investigated. For example, a total of 201 defendants pleaded guilty in court and this was considered as a mitigating circumstance during sentencing in 199 of these cases (99%).¹² Furthermore, 184 defendants expressed their remorse, and this was considered as a mitigating circumstance in 97.3% of relevant cases (179 defendants). A promise to not repeat the offence was considered in 93.8% of relevant cases, while a defendant's apology was considered in 85.4% of relevant cases. Figure 12 represents this information visually.

↓👁 *Table 19: Frequency of consideration of mitigating circumstances (MC) during sentencing across defendants when mitigating factors were stated to have been met.*

Mitigating circumstance (MC)	Number defendants	Number MC considered	(%)
Admission of guilt	201	199	99.0
Expression of remorse	184	179	97.3
Promise won't do it again	161	151	93.8
Sole breadwinner	27	25	92.6
Apology	96	82	85.4
Poor economic status	75	57	76.0
Victim forgives	72	54	75.0
Victim withdrew	80	36	45.0

¹¹ In Kosovo, a child is any person under the age of 18. See the Law on Child Protection, Article 3(1.1), <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=20844>, last accessed on 28 July 2023).

¹² There was one case where a defendant admitted their guilt partially. This case was included in the analysis of mitigating circumstances because the court considered the defendant's partial guilty plea as a mitigating circumstance during sentencing.



↑👁 Figure 12: Consideration of mitigating circumstances during sentencing across all defendants.

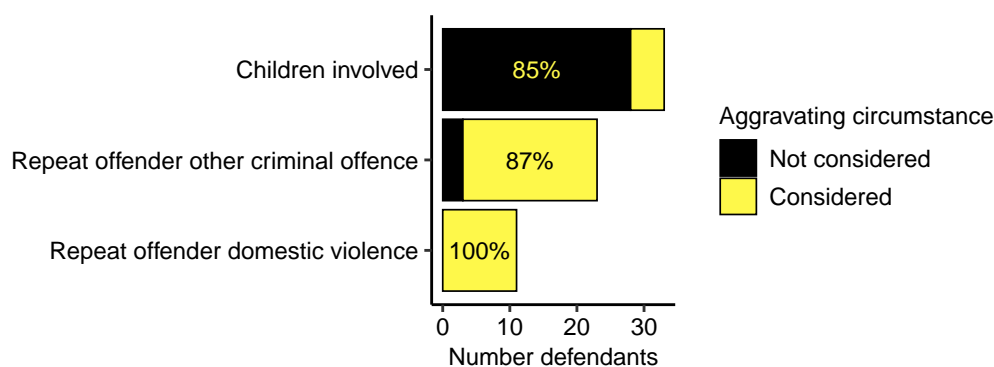
B.5.7 AGGRAVATING CIRCUMSTANCES

Under the Criminal Code of Kosovo, courts may consider a range of aggravating factors when deciding on a sentence. Amnesty International's systematic review of aggravating circumstances looked at the issue of repeat offenders as well as whether domestic violence was committed against or in front of children (defined in Kosovo as someone under the age of 18).

Table 20 shows that 11 defendants had a previous conviction of domestic violence, and the courts considered this an aggravating circumstance in sentencing in all 11 cases (100%). Meanwhile, in the court decisions that Amnesty International reviewed, 23 defendants had a previous criminal conviction that was not domestic violence, and this was considered as an aggravating circumstance in 87% of relevant cases. Figure 13 represents this information visually.

↓👁 Table 20: Frequency of consideration of aggravating circumstances (AC) during sentencing across defendants.

Aggravating circumstance (AC)	Number defendants	Number AC considered	(%)
Repeat offender domestic violence	11	11	100.0
Repeat offender other criminal offence	23	20	87.0
Children involved	33	5	15.2



↑👁 Figure 13: Consideration of aggravating circumstances during sentencing across all defendants.

B.5.8 VIOLENCE INVOLVING CHILDREN

In 33 cases, information provided in the judgments suggested that defendants were violent in front of or against children (defined in Kosovo as someone under the age of 18). Table 21 breaks down the distribution of these cases in terms of whether it was considered as an aggravating circumstance (AC) that the defendant was *violent in front of or against* children (rows), and whether or not it was considered as a mitigating circumstance (MC) that the defendant *had* children (columns). In a total of 28 cases (84.8%) the courts did not consider it as an aggravating circumstance that the defendant was *violent in front of or against* children (Table 20). Of those, in a total of 10 cases (30.3%), it was not considered as an aggravating circumstance, but it was considered as a mitigating circumstance that the defendant *had* children. In 18 cases (54.5%), the courts did not consider it as an aggravating circumstance that the defendant had been violent involving children, nor did they consider it as a mitigating circumstance that the defendant had children.

↓👁 Table 21: Two-way frequency table of the consideration of aggravating (AC) and mitigating circumstances (MC) in sentencing, when the defendant was violent in front of or against children. Percentages indicate the proportion of cases compared to all cases in which domestic violence involved children according to factual circumstances mentioned in the judgments.

	MC considered	MC not considered
AC considered	2 (6.1%)	3 (9.1%)
AC not considered	10 (30.3%)	18 (54.5%)

B.5.9 REPEAT OFFENDERS

A total of 24 defendants (11%) had previously been convicted of criminal offences. Of those, 23 defendants (10.6% of all defendants) had previous criminal offences other than domestic violence, while 11 defendants (5% of all defendants) had at least one previous criminal offence of domestic violence. A total of 10 defendants (4.6% of all defendants) had a previous count of at least one domestic violence as well as at least one count of another criminal offence that was not domestic violence. The distribution of the types of previous criminal offences is shown in Table 22.

↓👁 *Table 22: Two-way frequency table of defendants regarding the types of previous criminal offences. Columns refer to the distribution of defendants with previous counts of domestic violence offences (yes/no), while rows indicate the distribution of defendants with previous counts of any other types of criminal offences that were not domestic violence (yes/no).*

Other criminal offence	No previous offence of domestic violence	Previous domestic violence
No	194 (89%)	1 (0.5%)
Yes	13 (6%)	10 (4.6%)

The distribution of information on defendants with regard to whether they had previous criminal offences that were not domestic violence is shown in Table 23. The distribution of information on defendants regarding whether they had previous criminal offences of domestic violence, regardless of other types of criminal offences, is shown in Table 24.

↓👁 *Table 23: Information on whether a defendant was a repeat offender of other criminal offences that were not domestic violence, as per information available in the court judgments. Cases were marked as unclear when a court document stated contradictory information.*

Repeat offender, other criminal offences	Number defendants	(%)
No	153	70.2
Not mentioned	40	18.3
Yes	23	10.6
Unclear	2	0.9
Total	218	100.0

↓👁 *Table 24: Information on whether a defendant was a repeat offender of domestic violence, as per information available in the court judgments.*

Repeat offender of domestic violence	Number defendants	(%)
No	166	76.1
Not mentioned	41	18.8
Yes	11	5.0
Total	218	99.9

A frequency distribution of the number of previous domestic violence offences is shown in Table 25. Most repeat offenders of domestic violence had one or two previous domestic violence offences, but one defendant had 17 previous domestic violence offences. Note that the count of previous domestic violence offences was established conservatively based on available information in the judgments. If a decision did not specify how many times a defendant was previously found to have committed a criminal offence of domestic violence, the number of previous offences was coded as "1".

↓👁 Table 25: Number of previous domestic violence offences for repeat offenders of domestic violence.

Number of domestic violence offences	Number defendants	(%)
1	4	36.4
2	3	27.3
3	1	9.1
5	1	9.1
6	1	9.1
17	1	9.1
Total	11	100.1

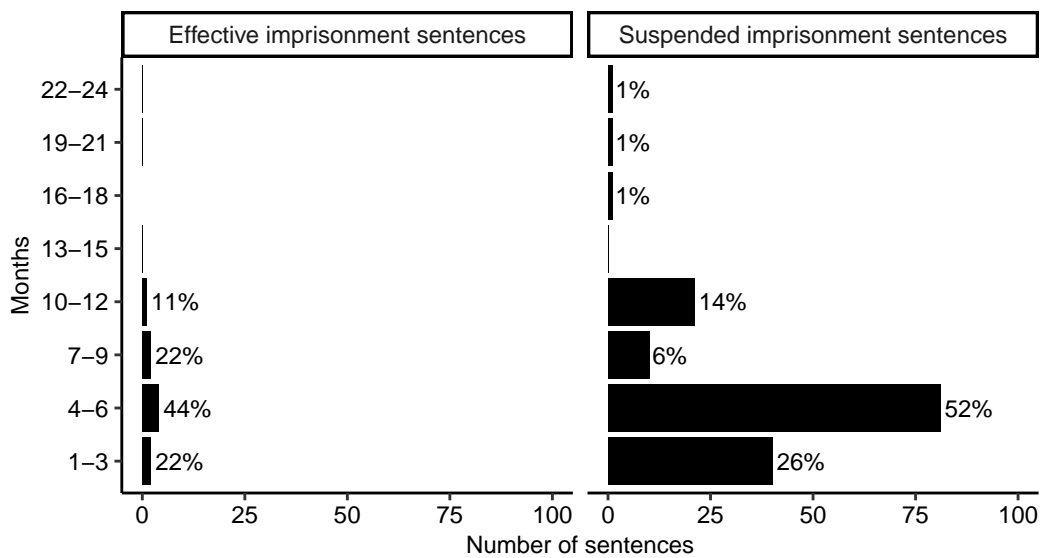
SENTENCING OF REPEAT OFFENDERS

Amnesty International calculated the chance of receiving an imprisonment sentence if the defendant was a repeat offender, regardless of the type of previous criminal offences (Table 26). Analysis showed that repeat offenders were 14.5 times more likely to receive an effective imprisonment sentence than defendants without previous criminal offences.

↓👁 Table 26: Probability of receiving an effective imprisonment sentence, depending on whether a defendant was a first-time or repeat offender, regardless of the type of previous criminal offence(s).

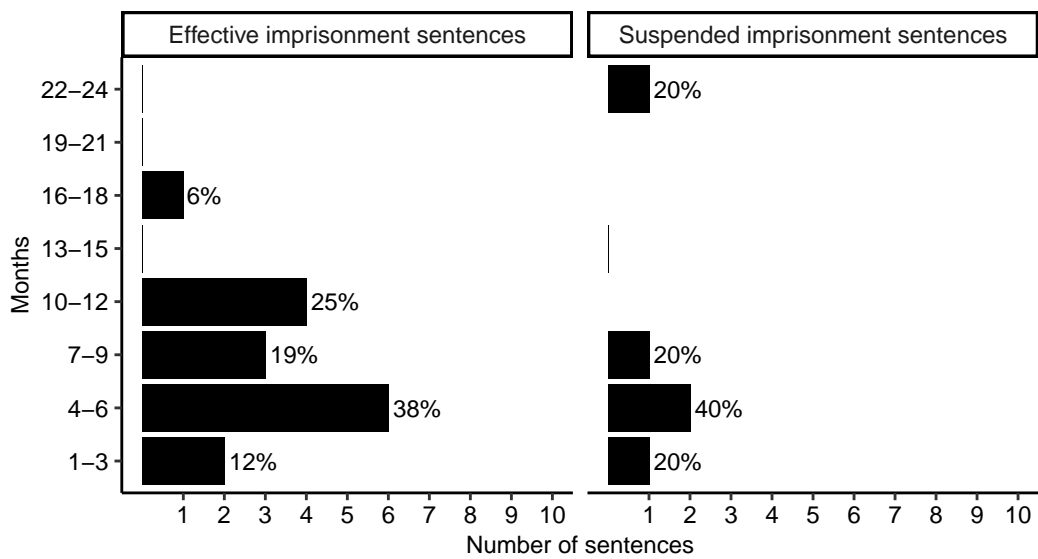
Received imprisonment sentence	First-time offender	Repeat offender
No	185 (95.4%)	8 (33.3%)
Yes	9 (4.6%)	16 (66.7%)

Figure 14 shows the frequency distribution of effective versus suspended imprisonment sentences for first-time offenders, while Figure 15 shows the frequency distribution of effective versus suspended imprisonment sentences for repeat offenders. As can be seen, suspended imprisonment sentences are most common among first-time offenders, while effective imprisonment sentences are most common among repeat offenders.

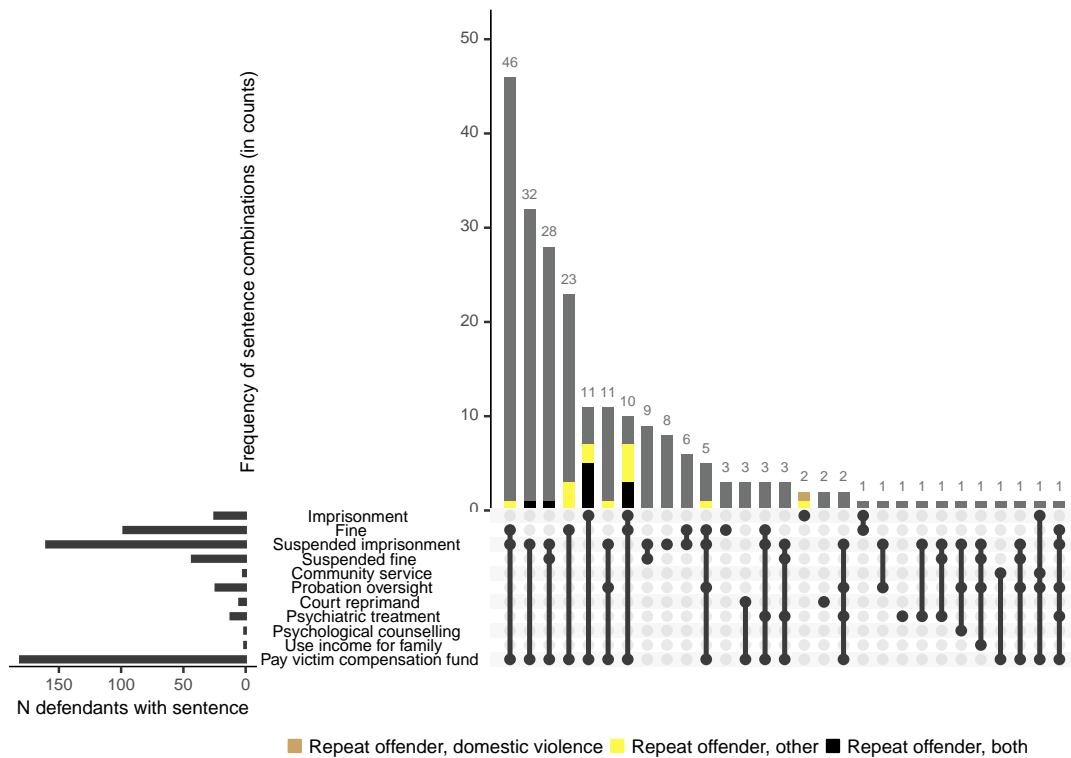


↑👁 Figure 14: Frequency distribution of effective and suspended imprisonment sentences for first-time offenders, in months.

Figure 16 shows the sentence combinations for defendants depending on whether they had never been convicted of a previous criminal offence, had only at least one previous criminal offence of domestic violence, had only at least one previous criminal offence of another type that was not domestic violence, or at least one count each of a previous criminal offence of domestic violence as well as some other criminal offence.

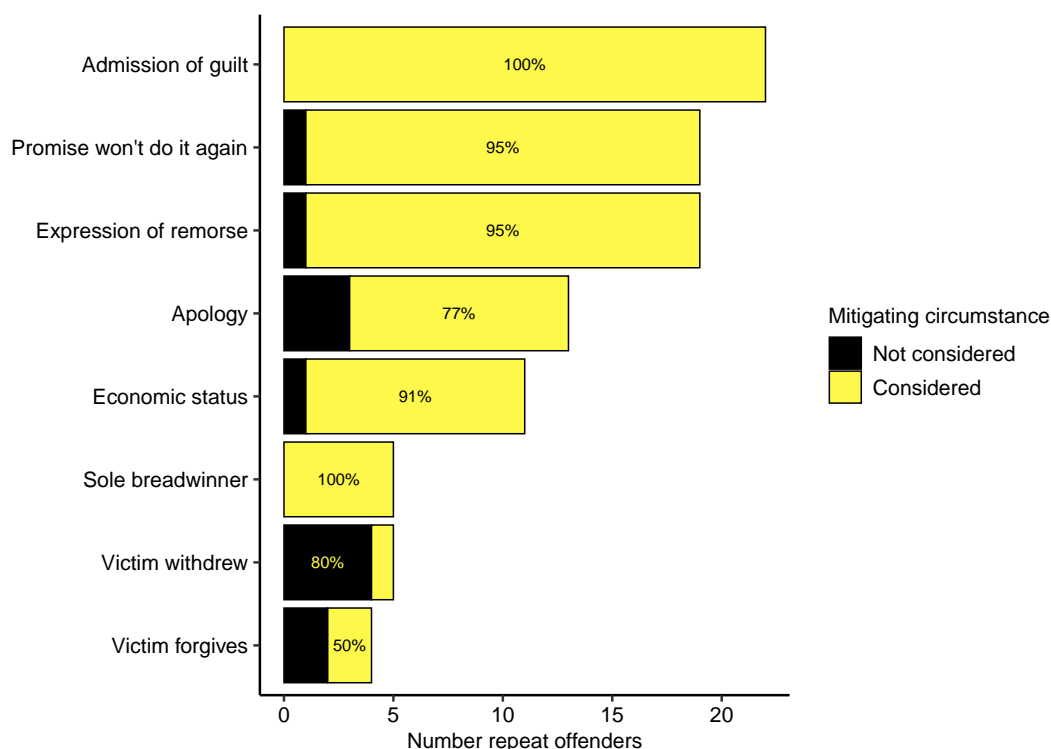


↑👁 Figure 15: Frequency distribution of effective and suspended imprisonment sentences for repeat offenders, in months.



↑👁 Figure 16: Sentence combinations for defendants who either had no previous criminal offences (grey), previous domestic violence offences (gold), previous criminal offences other than domestic violence (yellow), or previous criminal offences of domestic violence and other types (black). The graph shows that imprisonment sentences are more common among repeat offenders.

CONSIDERATION OF MITIGATING CIRCUMSTANCES IN SENTENCING OF REPEAT OFFENDERS



↑👁 Figure 17: Consideration of mitigating circumstances during sentencing of repeat offenders.

Of the 24 defendants who were repeat offenders with some previous criminal offence conviction regardless of the specific type, 19 defendants (79.2%) promised in court that they would not commit domestic violence again. In 18 of these cases (94.7%), the court considered this promise by the defendant as a mitigating circumstance during sentencing.

Table 27 shows the number of previous domestic violence offences for defendants who had their promise of not committing domestic violence again considered as a mitigating circumstance during sentencing. As can be seen, while 55.6% of these defendants did not have a previous domestic violence offence, 44.4% of defendants had committed previous offences of domestic violence between one and 17 times.

↓👁 Table 27: Number of previous domestic violence offences among defendants who were a repeat offender and promised to never commit domestic violence again, and for whom the court considered this promise as a mitigating circumstance during sentencing.

Number of previous domestic violence offences	Number defendants	(%)
0	10	55.6
1	2	11.1
2	3	16.7
5	1	5.6
6	1	5.6
17	1	5.6
Total	18	100.2

Of the 24 defendants who were repeat offenders with some previous criminal offence conviction regardless of the specific type, 13 defendants (54.2%) apologized in court for the domestic violence they had committed. In 10 of these cases (76.9%), the court considered the defendant's apology as a mitigating circumstance during sentencing.

Table 28 shows the number of previous domestic violence offences for defendants who apologized in court for having committed domestic violence and for whom the apology was considered as a mitigating circumstance

during sentencing. As can be seen, while 60% of these defendants did not have a previous domestic violence offence, 40% of defendants had committed previous offences of domestic violence between one and six times.

↓👁 *Table 28: Number of previous domestic violence offences among defendants who were a repeat offender and apologized in court for having committed domestic violence, and for whom the court considered this apology as a mitigating circumstance during sentencing.*

Number of previous domestic violence offences	Number defendants	(%)
0	6	60
1	1	10
2	2	20
6	1	10
Total	10	100

Of the 24 defendants who were repeat offenders with some previous criminal offence conviction regardless of the specific type, 19 defendants (79.2%) expressed remorse in court for the domestic violence they had committed. In 18 of these cases (94.7%), the court considered the defendant's expression of remorse as a mitigating circumstance during sentencing.

Table 29 shows the number of previous domestic violence offences for defendants who expressed remorse in court for having committed domestic violence and for whom this expression of remorse was considered as a mitigating circumstance during sentencing. As can be seen, while 50% of these defendants did not have a previous domestic violence offence, 50% of defendants had committed previous offences of domestic violence between one and 17 times.

↓👁 *Table 29: Number of previous domestic violence offences among defendants who were a repeat offender and expressed remorse in court for having committed domestic violence, and for whom the court considered this expression of remorse as a mitigating circumstance during sentencing.*

Number of previous domestic violence offences	Number defendants	(%)
0	9	50.0
1	3	16.7
2	3	16.7
5	1	5.6
6	1	5.6
17	1	5.6
Total	18	100.2

CONSIDERATION OF VIOLENCE INVOLVING CHILDREN AS AN AGGRAVATING CIRCUMSTANCE IN SENTENCING OF REPEAT OFFENDERS

In a total of 8 cases, domestic violence by repeat offenders involved children. In 6 cases (75%), courts did not consider this as an aggravating circumstance during sentencing.

B.6 PRIVACY

A total of 26 court decisions (13.2%) published personally identifiable information concerning victims and/or defendants.

B.6.1 PERSONALLY IDENTIFIABLE INFORMATION OF VICTIMS

A total of 17 victims (6.7%) had either their first name, last name, or both revealed in the court decisions dealing with their case. Table 30 shows the frequency with which details of name information were revealed across victims.

A total of 15 court decisions (7.6%) revealed either the first name, last name, or both, of at least one of the victims mentioned in the case. Table 31 shows the distribution of personally identifiable name information

↓👁 Table 30: Distribution of victims regarding whether their first and/or last name was revealed in the court decisions.

First name revealed	Last name revealed	Number victims	(%)
No	No	238	93.3
Yes	Yes	10	3.9
Yes	No	5	2.0
No	Yes	2	0.8
		Total 255	100.0

across court decisions. Where a judgment concerned more than one victim, name information was considered as revealed ('Yes') if it concerned at least one of the victims mentioned in the relevant court document.

↓👁 Table 31: Distribution of court decisions regarding whether they reveal the first and/or last name of at least one victim.

First name revealed	Last name revealed	Number court decisions	(%)
No	No	182	92.4
Yes	Yes	8	4.1
Yes	No	5	2.5
No	Yes	2	1.0
		Total 197	100.0

B.6.2 PERSONALLY IDENTIFIABLE INFORMATION OF DEFENDANTS

Across a total of 15 court decisions (7.6%), 16 defendants (7.3%) had some of their personally identifying information revealed, such as, their name, date of birth, phone number, personal identification number, or names of relatives.

C DATA AND CODEBOOKS

This section outlines how the data that was used to analyse decisions of Kosovo's Basic Courts on domestic violence (Section B) was generated. Each judgment in the court decision sample comprised multiple pages of text in Albanian language. A native Kosovo Albanian researcher, who is a legally trained professional, carefully read each sampled decision and systematically extracted information on court decisions (Section C.2), defendants (Section C.3), and victims (Section C.4). The codebook provided in this section outlines the systematic rules that guided the manual coding effort.

Three separate spreadsheets (csv files) on court decisions, defendants, and victims are publicly available. These files contain the data underlying the empirical analysis in this appendix. Court cases can be linked across the three files using a unique verdict identifier. The files are available at <https://github.com/amnestyresearch/Kosovo-domestic-violence-report-2023>.

C.1 STRUCTURE OF DECISIONS OF KOSOVO'S BASIC COURTS ON DOMESTIC VIOLENCE

Court decisions on domestic violence varied from three to six pages in general. While there were some specific differences between them, depending on the judge and/or court for example, there were key commonalities. Case reference numbers, the date and related details are usually presented at the top right of the judgment. In general, the first paragraph provides information about the individuals who are present in the court, including the name of the judge, the initials of the defendants and other relevant individuals. For example, this may include the State Prosecutor, the legal representative of the defendant/s, the victim/s, the Victim Advocate, any forensic or psychological experts, among others.

CHARGES AND EVIDENCE

The specific charges and the relevant criminal code of Kosovo is detailed in the court decision. Information related to the defendant is then provided, although redacted for publication, this usually includes their place of birth and current residency, the name of their mother and father, their educational attainment (for example, whether completion of school and/or tertiary education) and their employment status (for example, whether employed or unemployed), their marital status, whether they have children and their economic situation (for example, whether in a “weak financial situation”, or of poor, medium, or high economic status) and their citizen status (for example, whether they are a citizen of the Republic of Kosovo, Albania, Serbia or other countries). In cases where there is more than one defendant, the details of the additional defendants will be set out in a similar way.

The judgment also includes information about the facts of the offence, including a description of the actions of the defendant and details of who the offence was committed against. The victim is often referred to as the “injured person”. Details of the relationship of the victim and the defendant are provided (for example, whether they are married, cohabit, have children together or are siblings, et cetera). There may be more than one victim in a case. The details of any additional victims will be set out in a similar way.

The court’s finding of guilt or innocence is stated clearly within the judgment, usually within these first few paragraphs. The decision then outlines in very brief detail the facts of the case against the defendant. The details generally include the date, (approximate) time and location of the offence, the details of the acts committed and/or words spoken and information about the victim/s and their injury or damage sustained. The judgment includes reference to the specific laws and criminal offences that the defendant has violated.

In some cases, the judgments include more detail related to the facts of the offence committed and the impact on the victim/s. Generally, the judgments also refer to additional evidence related to the facts contained in the indictments that have been reviewed by the court, for example, police incident reports, medical reports, forensic reports and witness statements, etc.

SENTENCING

In cases where the defendant entered a plea of guilt, the judgment includes confirmation of the defendant’s competency to understand the implications of the plea. For example, this may include confirmation that the judge has assessed that the defendant understood the nature and consequences of the guilt, that the guilty plea is voluntary and relies on the facts of the case contained in the indictment, and the indictment contains no clear legal violation or factual errors.

The judgment clearly sets out the sentence that is ordered. This section will specify the type of sentence, for example a fine (given in euros) and/or a prison sentence (given in years/months). It will also be stated whether the sentence is intended to be ‘effective’ or suspended. An “effective” sentence is one where a custodial (imprisonment) sentence is immediately ordered or where a defendant is ordered to pay a fine within a set time frame. If a sentence is suspended, the judgment will generally explain the conditions. For example, a suspended sentence may state something like “a prison sentence of one year, which shall not be executed, if the defendant shall not commit a new criminal offence for the term of 18 months, from the day of this judgment”. The final sentence ordered may also take account of any time already served in pretrial detention. There may be additional aspects of a sentence, for example, a court reprimand and/or an order to undergo mandatory psychiatric or psychological treatment may also be detailed. In general, additional court orders that can form part of a sentence are also detailed at this point in the judgment. For example, the court may order that a suspended sentence is overseen by the probation service.

In general, the judgments include a statement to the effect that the sentence imposed was adequate and proportionate to the weight of the criminal offence and included a rehabilitation and prevention effect. This usually comes after the sentence has been ordered. Generally, at this point, the judgment also outlines any mitigating and/or aggravating factors that have been considered in setting the sentence. In some judgments there is reference to statements or arguments from the defendant/s' legal representative. These may include details of the defendant/s' conduct and any pleas for mitigation of sentence. In some judgments there is reference to statements from the Victim, for example their closing arguments, sometimes described as the "last word", and/or a statement or submission made by the Victim Advocate.

CONSIDERATION OF MITIGATING AND/OR AGGRAVATING FACTORS

The judgment may refer to provisions of the Criminal Code of Kosovo to justify the sentence and/or the application of mitigating and/or aggravating factors. Only relevant mitigating and/or aggravating factors should be listed in the judgment. Aggravating factors may include:

- a high degree of participation of the convicted person in the criminal offence;
- a high degree of intention on the part of the convicted person;
- the presence of actual or threatened violence in the commission of the criminal offence;
- whether the criminal offence was committed with particular cruelty;
- whether the criminal offence involved multiple victims;
- whether the victim of the criminal offence was particularly defenceless or vulnerable;
- the age of the victim, whether young or elderly;
- the extent of the damage caused by the convicted person;
- any abuse of power or official capacity by the convicted person in the perpetration of the criminal offence;
- evidence of a breach of trust by the convicted person;
- whether the criminal offence was committed as part of the activities of an organized criminal group;
- if the criminal offence is a hate crime;
- any relevant prior criminal convictions of the convicted person;
- if the offence is committed within a domestic relationship.

Mitigation factors may include:

- diminished criminal responsibility, for example, diminished mental capacity;
- evidence of provocation by the victim;
- the personal circumstances and character of the convicted person;
- evidence that the convicted person played a relatively minor role in the criminal offence;
- the fact that the convicted person participated in the criminal offence not as the principal perpetrator but through aiding, abetting, or otherwise assisting another;
- the age of the convicted person, whether young or elderly;
- evidence that the convicted person made restitution or compensation to the victim;
- general cooperation by the convicted person with the court, including voluntary surrender;
- the voluntary cooperation of the convicted person in a criminal investigation or prosecution;
- the entering of a plea of guilty;
- any remorse shown by the convicted person;
- post conflict conduct of the convicted person.

COSTS AND COMPENSATION ORDERS

The judgments may also include a decision on whether the defendant is required to pay costs to the court towards the proceedings. Generally, the judgment may include an order to make a payment to the victim compensation fund. The judgments end with details of the right to appeal.

C.2 DATA ON COURT DECISIONS

This is the original sample data, titled “court-decisions.csv”. It contains information on 200 sampled court decisions on cases of domestic violence published across seven online databases of Kosovo’s Basic Courts.

UNIQUE IDENTIFIER (VERDICTID)

This variable provides a unique identifier that allows to link the dataset of court decisions to the datasets on defendants and victims, respectively.

LEGAL TYPE OF COURT DECISION (TYPE)

Judgments on domestic violence are classified into three different categories depending on the legal department that handled the case (see Table 2 in Section A.1).

This variable identifies the legal category of a relevant verdict. In this data, this variable is always “Penal” which means the *Kosovo Department for General Matters, Criminal Division* had jurisdiction over the case.

OFFICIAL DOCUMENT IDENTIFIER (ID)

This variable provides the official ID that a court decision document was assigned by the courts and that it was published under in the online databases.

COURT ANNOUNCEMENT DATE (DATE.ANNOUNCED)

This date is mentioned in the decision and indicates the date when a judge announced the court decision.

PUBLICATION DATE (DATE.PUBLISHED)

This date is listed in the online databases and indicates the date when a court decision was published in the database. The date of publication is always after the date a decision was announced by a judge.

YEAR OF DECISION ANNOUNCEMENT (YEAR)

This variable is based on the “Date_announced” variable and indicates the year the verdict was announced.

REGION (REGION)

This variable identifies one of the seven regions of Kosovo (Pristina, Peja, Prizren, Gjakova, Mitrovica, Gjilan and Ferizaj) where the Basic Courts are based.

COURT (COURT)

This is the name of the Basic Court that handled the case and issued a decision.

JUDGE (JUDGE)

This is the name of the judge who presided over the case.

DOCUMENT URL (DWURL)

This is original URL from which a court decision document can be downloaded.

GUILTY VERDICT (GUILTY.VERDICT)

This variable indicates whether the court found the defendant guilty or not guilty. This variable was used to filter the sampled court decisions for guilty verdicts.

Yes: the court found the defendant guilty.

No: the court found the defendant not guilty.

C.3 DATA ON DEFENDANTS

The data on defendants is titled “defendants.csv”. It contains information on the 218 defendants and their court judgments in the sample.

UNIQUE IDENTIFIER (VERDICTID)

This variable provides a unique identifier that allows to link the dataset on defendants to the dataset on court decisions.

UNIQUE IDENTIFIER DEFENDANT (DEF.VERDICTID)

This variable is a unique identifier for each defendant based on the unique identifier (VERDICTID) of the court decision. This defendant-specific identifier allows to link the datasets on defendants and victims.

ETHNICITY OF THE DEFENDANT (DEF.ETHNICITY)

This variable indicates the ethnicity of the defendant as mentioned in the judgment.

Possible values for this variable are: Albanian, Ashkali, Bosniak, Egyptian, Roma, Serb, Turkish, and “Not mentioned”.

TYPE OF REPORTED VIOLENCE

The Criminal Code and the Law on Domestic Violence in Kosovo recognise four types of violence – physical, psychological or economic violence or mistreatment with the intent to violate the dignity of another person within a domestic relationship. The type of violence variables—physical violence, psychological violence, economic violence and sexual violence—were coded to establish the most common types of domestic violence that court cases mention. It is important to note here that information on these variables from the coded court decisions is not representative of the true prevalence of different types of domestic violence in Kosovo. In particular, cases of economic violence and especially sexual violence remain under-reported. Court decisions only represent those cases of domestic violence that have reached court and are published in a court database online. In addition, the rate of domestic violence cases that never get reported, or never go to court, is unknown.

PHYSICAL VIOLENCE (VIOLENCE.PHYSICAL)

This variable indicates whether physical violence was mentioned as part of the factual circumstances of the court decision. Mentioning of physical violence means the court either explicitly mentions that there was “physical violence”, or it describes actions of physical violence in the statement of facts. Such actions may include a punch, a slap, scratching, beating, stabbing, strangling, kicking, and others.

Yes: the statement establishes that the defendant used “physical violence” or it mentions defendant’s use of violent physical actions against the victim.

No: the judgment does not mention that the defendant used physical violence against the victim.

PSYCHOLOGICAL VIOLENCE (VIOLENCE.PSYCHOLOGICAL)

This variable indicates whether psychological violence was mentioned as part of the statement of facts in the court decision, regardless of the criminal offence classification. Mentioning of psychological violence means the court either explicitly mentions that there was “psychological violence”, or it describes actions of psychological violence in the statement of facts. Such actions may include threats, coercion, insults, name-calling and so forth as defined in the Kosovo Law on Protection from Domestic Violence.¹³

Yes: the statement establishes that the defendant used “psychological violence” or it mentions defendant’s use of actions that represent psychological violence against the victim.

No: the judgment does not mention that the defendant used psychological violence against the victim.

ECONOMIC VIOLENCE (VIOLENCE.ECONOMIC)

This variable indicates whether economic violence was mentioned as part of the factual circumstances of the court decision. Mentioning of economic violence means the court either explicitly mentions that there was “economic violence”, or it describes actions of economic violence in the statement of facts. Such actions may include the destruction of property, theft, restriction of access to financial resources, preventing the victim from going to work, forcing the victim to take out loans, and so forth.

Yes: the statement establishes that the defendant used “economic violence” or it mentions defendant’s use of actions that represent economic violence against the victim.

No: the judgment does not mention that the defendant used economic violence against the victim.

SEXUAL VIOLENCE (VIOLENCE.SEXUAL)

This variable indicates whether sexual violence was mentioned as part of the factual circumstances of the court decision. Mentioning of sexual violence means the court either explicitly mentions that there was “sexual violence”, or it describes actions of sexual violence in the statement of facts. Sexual violence includes all incidents of non-consensual sexual acts and sexual ill-treatment according to the Kosovo Law on Protection against Domestic Violence. Examples of sexual violence may include behaviour where the defendant kissed and /or touched their intimate body parts without consent; or where the defendant physically attacked the victim in response to being rejected after initiating sexual intercourse.

Yes: the statement establishes that the defendant used “sexual violence” or it mentions defendant’s use of actions that represent sexual violence against the victim.

No: the judgment does not mention that the defendant used sexual violence against the victim.

TYPE OF CRIMINAL OFFENCE CONVICTIONS (CRIMINAL.OFFENCE)

Courts convicted defendants for different criminal offences based on Kosovo’s criminal code. This variable captures all criminal offences that defendants were convicted for. For each defendant, this variable can list more than one criminal offence, separated by commas.

Possible values for this variable are:

abi: aggravated bodily injury

as: assault

cc: contempt of court

co: coercion

dp: destruction of property

¹³ Law on protection against domestic violence, Article 2(1.2), <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2691>, (last accessed on 28 July 2023).

dv: domestic violence
ha: harassment
ipf: illegal possession of firearms
lbi: light bodily injury
th: threat
udl: unlawful deprivation of liberty
vpo: violation of a protection order

SENTENCES AND ORDERS

Sentences and orders were coded based on the final sentence handed out by the court. So, for example, if the court originally gave a sentence of imprisonment but then decided to replace it with a fine, the variable included is the fine, not the imprisonment sentence that was replaced. Courts may replace imprisonment sentences of up to six months with fines, if the defendant consents.¹⁴ In some cases, prison sentences were given that included time already served in pretrial detention and these cases were also coded based on the final sentence handed out by the court. For example, if the remainder of the sentence was suspended, this was coded as a suspended sentence.

LENGTH OF IMPRISONMENT SENTENCE (SENTENCE.IMPRISONMENT.MONTHS)

This numerical variable expresses the length of an imprisonment sentence that a defendant received in months, if any. Possible values range from 0 to 36 months of imprisonment which reflects the maximum sentence for domestic violence in Kosovo. In cases where no custodial sentence was imposed, this was coded as 0.

SUSPENDED IMPRISONMENT SENTENCE (SENTENCE.IMPRISONMENT.SUSPENDED)

Courts may issue suspended imprisonment sentences by ordering that the custodial sentence not be executed if the defendant does not commit another criminal offence within a certain time period, which can generally be for a period of up to five years.¹⁵

In cases where a sentence was calculated including time already served in pretrial detention but where the remainder of the sentence was suspended, this was coded as a suspended sentence.

Possible values for this variable are:

Yes: the court suspended the imprisonment sentence.

No: the court did not suspend the defendant's imprisonment sentence. "No" values indicate custodial sentences that were ordered to be served.

Not applicable: the court did not issue a custodial sentence that could have been suspended.

FINE (SENTENCE.FINE)

Courts may issue fine sentences that range from 100 to 25,000 euros. This numerical variable expresses the amount of fine sentences in euros. In cases where the court did not impose a fine, this was coded as 0.

¹⁴ Criminal Code of Kosovo, Article 44.

¹⁵ Criminal Code of Kosovo, Article 46.

SUSPENDED FINE (SENTENCE.FINE.SUSPENDED)

Courts may issue suspended fines by ordering that the fine not be executed if the defendant does not commit another criminal offence within a certain time period, which can generally be for a period of up to five years.¹⁶

Possible values for this variable are:

Yes: the court suspended the fine sentence.

No: the court did not suspend the defendant's fine sentence. "No" values indicate when a fine was "effective." This means the fine had to be paid after the decision was final.

Not applicable: the court did not issue a fine sentence that could have been suspended.

COURT REPRIMAND (COURT.REPRIMAND)

Courts may hand out a court reprimand for criminal offences punishable with up to three years of imprisonment. Through a court reprimand the defendant is notified that the acts committed are harmful and dangerous, and it serves as a warning that in case of a repeat offence the court will issue a harsher sentence.¹⁷

Yes: the court handed out a sentence which was a court reprimand.

No: the court did not hand out a court reprimand.

ORDER OF OVERSIGHT FROM PROBATION SERVICE (ORDER.PROBATION.SERVICE)

In addition to suspended sentences, courts may order the Probation Service to oversee the sentence. The Probation Service functions under the Ministry of Justice and monitors the execution of court sentences, including suspended sentences and orders of community service work.

Possible values for this variable are:

Yes: the court handed out a sentence which included an order of oversight from the Probation Service.

No: the court did not hand out a sentence which included an order of oversight from the Probation Service.

Not applicable: The court gave the defendant another sentence for which the order of oversight from the Probation Service cannot be handed out. For example, an effective prison sentence.

ORDER OF COMMUNITY SERVICE WORK (ORDER.COMMUNITY.SERVICE.HOURS)

Courts may issue an alternative sentence order of community service work if it sentences a defendant to a fine of up to 2,500 euros or an imprisonment sentence of one year.¹⁸ Courts may also replace an imprisonment sentence of up to six months with up to 240 hours of community service.¹⁹ The Probation Service is mandated to specify the type of community work and monitor the supervision of this order.²⁰

This numerical variable states the number of hours of community service a defendant was required to serve, from 0 to 240 hours. In cases when no community service work was imposed, this was coded as 0.

ORDER TO UNDERGO PSYCHOLOGICAL COUNSELLING SESSIONS (ORDER.PSYCHOLOGICAL.COUNSELLING)

In addition to suspended sentences, the courts may order the defendant to undergo psychological counselling sessions.

Possible values for this variable are:

¹⁶ Criminal Code of Kosovo, Article 46.

¹⁷ Criminal Code of Kosovo, Article 82.

¹⁸ Criminal Code of Kosovo, Article 57.

¹⁹ Criminal Code of Kosovo, Article 45.

²⁰ Criminal Code of Kosovo, Article 45.

Yes: the court handed out a sentence which included an order to undergo psychological counselling sessions.

No: the court did not hand out a sentence which included an order to undergo psychological counselling sessions. This includes cases where the court gave the defendant another sentence for which an order to undergo psychological counselling sessions cannot be handed out. For example, a custodial prison sentence.

ORDER TO USE INCOME FOR FULFILLING FAMILY DUTIES (ORDER.USE.INCOME.FAMILY)

In addition to suspended sentences, courts may order the defendant to use their income or property for fulfilling family obligations.

Possible values for this variable are:

Yes: the court handed out a sentence which included an order to use income for fulfilling family duties.

No: the court did not hand out a sentence which included an order to use income for fulfilling family duties. This includes also cases where the court gave the defendant another sentence for which an order to use income for fulfilling family duties cannot be handed out. For example, a custodial prison sentence.

MANDATORY PSYCHIATRIC TREATMENT (ORDER.PSYCHIATRIC.TREATMENT)

Courts may hand out a suspended imprisonment sentence and an order to undergo mandatory psychiatric treatment. They can also hand out the measure of undergoing mandatory psychiatric treatment for defendants who “committed a criminal offence while in a state of mental incompetence or substantially diminished mental capacity”.²¹

Possible values for this variable are:

Yes: the court handed out a sentence which included a measure of mandatory psychiatric treatment.

No: the court did not hand out a sentence which included a measure of mandatory psychiatric treatment.

ORDER TO PAY TO THE VICTIM COMPENSATION FUND (ORDER.PAY.COMPENSATION.FUND)

This numerical variable indicates whether the court ordered defendants to pay to the Victim Compensation Fund. Courts are mandated to impose an additional fee on guilty defendants to pay to the Victim Compensation Fund, though this may be reduced or waived in some cases. Values in this variable range from zero to 30 euros.

MITIGATING CIRCUMSTANCES (MC)

Under the Criminal Code of Kosovo, courts may consider a range of mitigating factors when deciding on the sentence. Mitigating circumstances (MC) may include: diminished criminal responsibility (for example, diminished mental capacity); evidence of provocation by the victim; the personal circumstances and character of the convicted person; evidence that the convicted person played a relatively minor role in the criminal offence; the fact that the convicted person participated in the criminal offence not as the principal defendant but through aiding, abetting, or otherwise assisting another; the age of the convicted person, whether young or elderly; evidence that the convicted person made restitution or compensation to the victim; general cooperation by the convicted person with the court, including voluntary surrender; the voluntary cooperation of the convicted person in a criminal investigation or prosecution; the entering of a plea of guilty; any remorse shown by the convicted person; post conflict conduct of the convicted person.

In the context of domestic violence, the review of cases focused on the following mitigating factors: a guilty plea; an apology and/or expression of remorse from the defendant; a promise from the defendant not to repeat the offence; and general cooperation by the convicted person with the court (good correct behaviour). Generally, the court decisions included consideration of the personal circumstances of the defendant as mitigating factors in some cases and therefore the following variables were also coded: the poor economic status of the defendant; whether the defendant is the sole breadwinner of the family; whether the defendant

²¹ Criminal Code of Kosovo, Article 86.

has children. Generally, the court decisions also included consideration of the victim/s' position as mitigating factors in some cases and therefore the following variables were also coded: whether the victim withdrew from prosecution; and whether the victim/s forgive/s the defendant.

DEFENDANT PLEADS GUILTY (DEF.GUILTY.PLEA)

This variable indicates whether the defendant pleaded guilty to the charges in the indictment of the prosecution.

Possible values for this variable are:

Yes: the defendant pleaded guilty to the charges.

Partial: the defendant pleaded guilty to a part of the charges raised in the indictment but not all of them.

No: the defendant pleaded not guilty to the charges.

MC GUILTY PLEA (MC.GUILTY.PLEA)

This variable indicates whether the court considered it a mitigating circumstance that the defendant pleaded guilty to the charges.

Possible values for this variable are:

Yes: the court considered it a mitigating circumstance that the defendant pleaded guilty to the charges.

No: the court did not consider the guilty plea as a mitigating circumstance.

DEFENDANT APOLOGIZES (DEF.APOLOGY)

This variable indicates whether the statement of facts in the judgment mention that the defendant apologized for committing the criminal offence.

Possible values for this variable are:

Yes: the judgment mentions that the defendant apologized.

No: the judgment does not mention that the defendant apologized.

MC APOLOGY (MC.APOLOGY)

This variable indicates whether the court considered it a mitigating circumstance that the defendant apologized for the criminal offence.

Possible values for this variable are:

Yes: the court considered it a mitigating circumstance that the defendant apologized.

No: the court did not consider the defendant's apology as a mitigating circumstance.

DEFENDANT EXPRESSES REMORSE (DEF.REMORSE)

This variable indicates whether the statement of facts in the judgment mentions that the defendant expressed remorse for committing the criminal offence. For example, mention of the defendant's "regret" or similar, such as that "they have deeply regretted these criminal acts" may be stated within the facts, or in reference to a defendant's direct statement to the court or in the record of their legal representative's submission to the court.

Possible values for this variable are:

Yes: the judgment mentions that the defendant expressed remorse.

No: the judgment does not mention that the defendant expressed remorse.

MC EXPRESSION OF REMORSE (MC.REMORSE)

This variable indicates whether the court considered it a mitigating circumstance that the defendant expressed remorse for the criminal offence.

Possible values for this variable are:

Yes: the court considered it a mitigating circumstance that the defendant expressed remorse.

No: the court did not consider the defendant's expression of remorse as a mitigating circumstance.

DEFENDANT'S PROMISE NOT TO REOFFEND (DEF.PROMISE.NOT.AGAIN)

This variable indicates whether the statement of facts in the judgment mentions that the defendant promised not to repeat the offence. For example, the court decision may state within the facts that the "defendant promises the court that they will not do it again", or the decision mentions in reference to statements of the defendant to the court that "they promise to not repeat such acts in the future".

Possible values for this variable are:

Yes: the judgment mentions that the defendant said they promise not to repeat the offence.

No: the judgment does not mention that the defendant promised not to repeat the offence.

MC PROMISE WILL NOT DO IT AGAIN (MC.PROMISE.NOT.AGAIN)

This variable indicates whether the court considered it a mitigating circumstance that the defendant promised not to repeat the criminal offence.

Possible values for this variable are:

Yes: the court considered it a mitigating circumstance that the defendant promised they would not repeat the offence.

No: the court did not consider the defendant's promise of non-repetition as a mitigating circumstance.

PERP POOR ECONOMIC STATUS (DEF.POOR.ECONOMIC.STATUS)

This variable indicates whether the statement of facts in the judgment mentions that the defendant is of poor economic status. For example, most decisions include information about the economic status of the defendant, such as whether they are of poor, medium or high economic status.

Possible values for this variable are:

Yes: the judgment mentions that the defendant is of poor economic status.

No: the judgment does not mention that the defendant is of poor economic status.

MC POOR ECONOMIC STATUS PERP (MC.POOR.ECONOMIC.STATUS)

This variable indicates whether the court considered it a mitigating circumstance that the defendant is of poor economic status.

Possible values for this variable are:

Yes: the court considered it a mitigating circumstance that the defendant is of poor economic status.

No: the court did not consider the poor economic status of the defendant as a mitigating circumstance.

DEFENDANT SOLE BREADWINNER FAMILY (DEF.SOLE.BREADWINNER)

This variable indicates whether the statement of facts in the judgment mentions that the defendant is the “sole breadwinner of the family”.

Possible values for this variable are:

Yes: the judgment mentions that the defendant is the sole breadwinner of the family.

No: the judgment does not mention that the defendant is the sole breadwinner of the family.

MC DEFENDANT SOLE BREADWINNER FAMILY (MC.SOLE.BREADWINNER)

This variable indicates whether the court considered it a mitigating circumstance that the defendant is the sole “breadwinner of the family”.

Possible values for this variable are:

Yes: the court considered it a mitigating circumstance that the defendant is the sole breadwinner of the family.

No: the court did not consider it a mitigating circumstance that the defendant is the sole breadwinner of the family.

MC DEFENDANT HAS CHILDREN (MC.DEF.HAS.CHILDREN)

This variable indicates whether the court considered it a mitigating circumstance that the defendant has children. In Kosovo, a child is any person under the age of 18.²²

Possible values for this variable are:

Yes: the court considered the fact that the defendant has children a mitigating circumstance.

No: the court did not consider the fact that the defendant has children a mitigating circumstance.

MC DEFENDANT SHOWED GOOD /CORRECT BEHAVIOUR COURT (MC.DEF.BEHAVIOUR.COURT)

This variable indicates whether the court considered it a mitigating circumstance that the defendant showed good or correct behaviour during the criminal justice process. For example, the court decision may include reference to the defendant’s “correct behaviour before the court”.

Possible values for this variable are:

Yes: the court considered the good/correct behaviour of the defendant as a mitigating circumstance.

No: the court did not consider the good/correct behaviour of the defendant a mitigating circumstance.

MC VICTIM WITHDREW FROM PROSECUTION (MC.VICTIM.WITHDREW)

This variable indicates whether the court considered it a mitigating circumstance that the victim stated that they withdraw from prosecution. This variable is conditional on the victim support of indictment variable, see Section C.4 below.

Possible values for this variable are:

Yes: the court considered it a mitigating circumstance that the victim stated that they withdrew from prosecution. (This variable is conditional on the victim support of indictment variable (Section C.4) and can only be marked as “Yes” if that variable is marked “No”.)

No: the court did not consider it a mitigating circumstance that the victim withdrew from prosecution.

²² Law on Child Protection, Article 3(1.1), <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=20844>, last accessed on 28 July 2023.

VICTIM FORGIVES DEFENDANT (DEF.VIC.FORGIVES)

This variable indicates whether court decision mentions that the victim, or at least one of the victims in cases of multiple victims, either told the court that they had forgiven the defendant, or it can be inferred from the victim's statement and requests cited in the judgment that they forgave the defendant. For example, the court decision may state the "victim says she has forgiven the defendant".

Possible values for this variable are:

- Yes:** the court decision mentions that the victim, or at least one of the victims, forgave the defendant.
- No:** the victim either told the court explicitly that they did not forgive the defendant, or it can be inferred from the victim's statement and requests that they did not forgive the defendant.
- Not mentioned:** the judgment does not mention any information about whether the victim stated that they forgave the defendant or not.

MC VICTIM FORGIVES DEFENDANT (MC.VIC.FORGIVES)

This variable indicates whether the court considered it a mitigating circumstance that the victim forgave the defendant.

Possible values for this variable are:

- Yes:** the court considered the fact that the victim forgave the defendant as a mitigating circumstance.
- No:** that the victim forgave the defendant was not among the mitigating circumstances established in the judgment.

AGGRAVATING CIRCUMSTANCES (AC)

Under the Criminal Code of Kosovo, courts may consider a range of aggravating factors when deciding on the sentence. Aggravating factors may include: a high degree of participation of the convicted person in the criminal offence; a high degree of intention on the part of the convicted person; the presence of actual or threatened violence in the commission of the criminal offence; whether the criminal offence was committed with particular cruelty; whether the criminal offence involved multiple victims; whether the victim of the criminal offence was particularly defenceless or vulnerable; the age of the victim, whether young or elderly; the extent of the damage caused by the convicted person; any abuse of power or official capacity by the convicted person in the perpetration of the criminal offence; evidence of a breach of trust by the convicted person; whether the criminal offence was committed as part of the activities of an organized criminal group; if the criminal offence is a hate crime; any relevant prior criminal convictions of the convicted person; if the offence is committed within a domestic relationship. When deciding on the sentence for a defendant found guilty of domestic violence, any previous conviction can be considered and therefore in the coding there was no distinction between whether the previous conviction was for domestic violence or other offences.

The following variables capture the factual circumstances relevant to determining aggravating circumstances and indicate cases in which the court established aggravating circumstances. It does not list all potential grounds for aggravating circumstance but only two, cases when the defendant was a repeat offender, either of domestic violence or other criminal offences, and cases when the defendant was violent in front of or against children.

PREVIOUS CONVICTION FOR OTHER CRIMINAL OFFENCES (RO.OTHER.CRIMINAL.OFFENCES)

This variable indicates whether the defendant had been found guilty of other criminal offences in the past that were not related to domestic violence.

Possible values for this variable are:

- Yes:** the defendant has been found guilty of a criminal offence in the past that was unrelated to domestic violence.
- No:** the defendant is a first-time offender with regard to criminal offences that are not related to domestic violence.

Not mentioned: the judgment does not mention the criminal record of the defendant.

Unclear: the information in the judgment is either unclear or contradictory. It is impossible to draw a conclusion as to whether the defendant has or has not committed a criminal offence previously that was unrelated to domestic violence.

PREVIOUS CONVICTION FOR/REPEAT OFFENDER OF DOMESTIC VIOLENCE (RO.DOMESTIC.VIOLENCE)

This variable indicates whether the defendant had been found guilty of domestic violence or other criminal offences against a family member that would be considered as domestic violence under the current Criminal Code of Kosovo.

Possible values for this variable are:

Yes: the defendant was previously found guilty of domestic violence.

No: the defendant is a first-time offender with regard to the criminal offence of domestic violence.

Not mentioned: the judgment does not mention the criminal record of the defendant.

NUMBER OF PREVIOUS DOMESTIC VIOLENCE OFFENCES (RO.NUMBER.DV.OFFENCES)

This numerical variable expresses the number of previous convictions of the defendant for domestic violence or other criminal offences against family members that would be considered as domestic violence under the current Kosovo Penal Code.

Possible values in this variable range from zero to 17 times. In cases where the exact number of previous domestic violence offences was unclear, this variable was conservatively coded as 1. If a defendant did not have a previous criminal offence of domestic violence, this variable was coded as 0.

AC REPEAT OFFENDER (AC.REPEAT.OFFENDER)

This variable indicates whether court decision mentioned that the court found it an aggravating circumstance that the defendant was a repeat offender of either domestic violence or another other criminal offence.

Possible values for this variable are:

Yes: the court established it as an aggravating circumstance that the defendant was a repeat offender.

No: the court did not establish it as an aggravating circumstance that the defendant was a repeat offender.

DEFENDANT VIOLENT IN FRONT OF OR AGAINST CHILDREN (DEF.VIOLENT.INVOLVING.CHILDREN)

This variable indicates whether the court decision mentions details that the defendant was violent either in front of or against children. In Kosovo, a child is any person under the age of 18.²³

Possible values for this variable are:

Yes: the judgment mentions that the defendant was violent in front of or against children.

No: the judgment does not mention that the defendant was violent in front of or against children.

AC PERP VIOLENT IN FRONT OF CHILDREN (AC.VIOLENT.INVOLVING.CHILDREN)

This variable indicates whether the court considered it an aggravating circumstance that the defendant was violent in front of or against children.

Possible values for this variable are:

²³ Law on Child Protection, Article 3(1.1), <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=20844> (last accessed on 28 July 2023).

Yes: the court considered the fact that the defendant was violent in front of or against children as an aggravating circumstance.

No: the judgment does not mention as an aggravating circumstance that the defendant was violent in front of or against children.

COURT DAMAGE COMPENSATION AWARD (COURT.DAMAGE.COMP.AWARD)

This variable indicates whether the court decided to award compensation to victims for the damage caused by the criminal offence.

Possible values for this variable are:

Yes: the court awarded damage compensation to the victim(s) mentioned in the court decision.

No: the court did not award any damage compensation to the victim(s) mentioned in the court decision.

COURT REFERS VICTIM TO CIVIL PROCEEDINGS TO SEEK COMPENSATION (COURT.REFERRAL.CIVIL.PROCEEDINGS)

This variable captures if a court referred the victim(s) to civil proceedings to seek compensation for damages.

Possible values for this variable are:

Yes: the court referred the victim(s) to civil litigation.

No: the court did not refer the victim(s) to civil litigation.

IDENTIFYING INFORMATION OF THE DEFENDANT REVEALED IN COURT DOCUMENT

This variable indicates whether a court decision document revealed personally identifying information of the defendant, such as their name, last name, phone number, personal identification number, first and last name of parents, and so forth.

Possible values for this variable are:

Yes: the judgment reveals one or more pieces of personally identifiable information of the defendant.

No: the judgment does not reveal any personally identifiable information of the defendant.

For reasons of data protection, this variable is not included in the data that Amnesty International published. The outcome of this variable as well as detailed information on what personally identifiable information of defendants was revealed in each court decision was shared with the Kosovo Judicial Council.

C.4 DATA ON VICTIMS

The data on victims is titled “victims.csv”. It contains information on the 255 victims across the 218 court judgments in the sample.

UNIQUE IDENTIFIER (VERDICTID)

This variable provides a unique identifier that allows to link the dataset on victims to the dataset on court decisions.

UNIQUE IDENTIFIER DEFENDANT (DEF.VERDICTID)

This variable is a unique identifier for each defendant based on the unique identifier (VERDICTID) of the court decision. This defendant-specific identifier allows to link the datasets on defendants and victims.

VICTIM (VICTIM)

The judgment includes information about the facts of the offence, including a description of the actions of the defendant and details of who the offence was committed against. The victim is often referred to as the “injured person”. Details of the relationship of the victim and the defendant are provided (for example, whether they are married, cohabit, have children together or are siblings, et cetera). There may be more than one victim in a case. The details of any additional victims will be set out in a similar way. In the judgments reviewed, there were a maximum of three victims. To distinguish between victims for the purposes of this analysis, this variable designates whether a victim was mentioned first, second or third in the court decision.

Possible values for this variable are:

Victim1: the victim was mentioned first in the judgment.

Victim2: the victim was mentioned second in the judgment.

Victim3: the victim was mentioned third in the judgment.

DOMESTIC ROLE OF THE VICTIM IN RELATION TO THE DEFENDANT (VIC.TYPE)

This variable designates the domestic role of the victim in relation to the defendant as per the description in the court decision.

Possible values for this variable are: boyfriend, brother, brother-in-law, cohabiting partner, daughter, daughter-in-law, father, father-in-law, fiancé, friend of cohabiting partner, girlfriend, grandfather, grandmother, grandson, husband, mother, mother-in-law, nephew, nephew of partner, sister, sister-in-law, son, son-in-law, stepfather, stepmother, stepson, uncle, uncle of partner, wife.

Note that if there was an “ex-” status designated in that the defendant and victim were no longer in the original relationship with each other (for example, ex-husband, ex-wife, ex-fiancé, etc.) the “ex-” was removed to designate the roles of their original relationship (for example, husband, wife, fiancé).

DOMESTIC ROLE OF THE DEFENDANT IN RELATION TO THE VICTIM (DEF.TYPE)

This variable designates the domestic role of the defendant in relation to the victim as per the description in the court decision.

Possible values for this variable are: boyfriend, brother, brother-in-law, cohabiting partner, daughter, daughter-in-law, father, father-in-law, fiancé, friend of cohabiting partner, girlfriend, grandfather, grandmother, grandson, husband, mother, mother-in-law, nephew, nephew of partner, sister, sister-in-law, son, son-in-law, stepfather, stepmother, stepson, uncle, uncle of partner, wife.

Note that if there was an “ex-” status designated in that the defendant and victim were no longer in the original relationship with each other (for example, ex-husband, ex-wife, ex-fiancé, etc.) the “ex-” was removed to designate the roles of their original relationship (for example, husband, wife, fiancé).

GENDER OF THE VICTIM, AND GENDER OF THE DEFENDANT (VIC.GENDER, DEF.GENDER)

Gender information for victims and defendants was coded on the linguistic basis of the grammatical gender in Albanian language that was used in the judgment to describe an individual. This information coincided with the related grammatical gender that was used to describe the relationships between victims, defendants and other individuals in the judgment. The gender assigned in the judgment is not necessarily representative of the gender identity of the individual.

Gender information based on domestic roles was coded as follows:

Female: cohabiting partner, daughter, daughter-in-law, fiancé, friend of cohabiting partner, girlfriend, grandmother, mother, mother-in-law, nephew, nephew of partner, sister, sister-in-law, stepmother, wife.

Male: boyfriend, brother, brother-in-law, cohabiting partner, father, father-in-law, fiancé, friend of cohabiting partner, grandfather, grandson, husband, nephew, nephew of partner, son, son-in-law, stepfather, stepson, uncle, uncle of partner.

TYPE OF RELATIONSHIP (TYPE.RELATIONSHIP)

Domestic violence can occur between family members, as well as between intimate partners. Based on domestic roles of victims and defendants, relationships were coded to distinguish between intimate relationships and other relationships.

Relationship information based on domestic roles was coded as follows:

Intimate relationship: boyfriend, cohabiting partner, fiancé, girlfriend, husband, wife.

Other relationship: brother, brother-in-law, daughter, daughter-in-law, father, father-in-law, friend of cohabiting partner, grandfather, grandmother, grandson, mother, mother-in-law, nephew, nephew of partner, sister, sister-in-law, son, son-in-law, stepfather, stepmother, stepson, uncle, uncle of partner.

VICTIM PRESENT IN COURT (VIC.PRESENT.IN.COURT)

This variable designates whether a victim was mentioned to have been physically present in the court hearings.

Victims' participation in criminal proceedings is not mandatory and the court can proceed with sessions without the victim being present, provided that the prosecutor and the defendant are present.

Information about the presence of the victim in court proceedings was established through verifying whether the court decision explicitly mentioned that the victim was present, or mentioned statements made by the victim in the reasoning of the decision. For example, the court decision may refer to the "final word" of the victim.

Possible values for this variable are:

Yes: the victim was present in the court proceedings.

No: the victim was not present in the court proceedings.

Not mentioned: the decision does not contain sufficient information to establish whether a victim was present during the court proceedings.

VICTIM SUPPORTS THE INDICTMENT (VIC.SUPPORT.INDICTMENT)

Domestic violence is prosecuted ex-officio by the State, which means that the prosecution can proceed with the case if it has gathered enough evidence of the criminal offence, regardless of a victim's decision to continue or withdraw from the case.

Information about a victim's support of the prosecution was established through verifying whether the court decision explicitly mentioned that victim(s) did not support or had at some point withdrawn their support for the prosecution.

Possible values for this variable are:

Yes: the victim supports the indictment, does not explicitly withdraw from prosecution, or the judgment does not mention that the victim withdraws from prosecution.

No: the victim does not support the indictment, which means they withdrew from prosecution.

VICTIM WITHDRAWS BECAUSE THEY ARE STILL TOGETHER WITH THE DEFENDANT (VIC.WITHDRAW.INTIMATE.W.DEF)

This variable captures one of the reasons that may be stated by victims in court when they withdraw from the prosecution. There are probably other reasons why victims withdraw from prosecution that they do not share with the court. Some victims mention multiple reasons for their withdrawal from prosecution.

This variable indicates whether a victim explicitly stated that they do not support the indictment and/or they are withdrawing from the prosecution because they are still in an intimate relationship with the defendant.

This variable only applies to intimate-partner relationships.

Possible values for this variable are:

Yes: the victim withdrew and they stated they did so because they were still in an intimate relationship with the defendant.

Not mentioned: it was not mentioned that the victim said they withdrew because they were still in an intimate relationship with the defendant.

Not applicable: This variable is not applicable because either the victim and the defendant are not in an intimate relationship, or the victim did not withdraw from prosecution (they supported the indictment).

VICTIM WITHDRAWS BECAUSE THE DEFENDANT SUPPORTS THEM AND THE FAMILY FINANCIALLY (VIC.WITHDRAW.FINANCIAL.SUPPORT)

This variable captures one of the reasons that may be stated by victims in court when they withdraw from the prosecution. It is noteworthy to mention that there might be other reasons why victims withdraw from prosecution that they do not share with the court. Some victims mention multiple reasons for their withdrawal from prosecution.

This variable indicates whether a victim explicitly stated that they do not support the indictment and/or they are withdrawing from the prosecution because the defendant supported them and the family financially. This variable also includes cases where the victim stated that a factor of their decision to withdraw was the fact or the promise of the defendant to take care of them and their children financially.

Possible values for this variable are:

Yes: the victim withdrew, and it was mentioned that financial support from the defendant was one of the reasons for their withdrawal from prosecution.

Not mentioned: there is no information to establish whether the victim withdrew because they depended on financial support from the defendant.

Not applicable: This variable is not applicable because the victim did not withdraw from prosecution (they supported the indictment).

VICTIM REQUEST FOR COMPENSATION (VIC.REQUEST.COMPENSATION)

This variable indicates whether the victim requested compensation for the damages caused by the criminal offence.

Possible values for this variable are:

Yes: the victim asked the court for compensation.

No: the victim explicitly told the court she does not want compensation.

Not mentioned: the decision does not contain information to establish for certain if the victim asked for compensation.

COURT ELABORATES VICTIM'S REQUEST FOR COMPENSATION (COURT.ELABORATES.COMPREQUEST)

This variable indicates whether the court elaborated the reasons for not deciding on the victim's request for compensation within criminal proceedings.

Possible values for this variable are:

Yes: the court provided a reason for not deciding on the requests for compensation from the victim.

No: the court did not provide any reasons for not taking a decision on the request for compensation from the victim.

Not applicable: this variable is non-applicable because there was no request for compensation.

VICTIM CONSIDERED DEFENDANT (VIC.CONSIDERED.DEF)

This variable indicates when a victim was simultaneously considered as a victim and a defendant during an incident of domestic violence between two persons, and both individuals were found guilty by the court.

Possible values for this variable are:

Yes: the victim was simultaneously considered a defendant for the same incident of domestic violence.

No: the victim was not simultaneously considered a defendant for the same incident of domestic violence.

ATTORNEY REPRESENTING THE VICTIM (VIC.PRIVATE.ATTORNEY)

This variable indicates whether the victim had professional legal representation from a licensed attorney.

Possible values for this variable are:

Yes: an attorney was representing the victim.

No: the victim did not have professional legal representation from an attorney, or the judgment does not mention that the victim had legal representation from an attorney.

VICTIM ADVOCATE REPRESENTING VICTIM (VIC.VICTIM.ADVOCATE)

This variable indicates whether the victim was legally represented by a Victim Advocate from the Victim Advocacy and Assistance Office.

Possible values for this variable are:

Yes: a Victim Advocate represented the victim.

No: the Victim Advocate did not represent the victim, or it was not mentioned that the victim was represented by a Victim Advocate.

FIRST NAME OF VICTIM REVEALED IN JUDGMENT

This variable indicates whether a victim's first name was revealed in the public court decision document that was available online.

Possible values for this variable are:

Yes: the court decision reveals the first name of the victim.

No: the judgment does not reveal the first name of the victim.

For reasons of data protection, this variable is not included in the data that Amnesty International published. The outcome of this variable as well as detailed information on what personally identifiable information of victims was revealed in each court decisions was shared with the Kosovo Judicial Council.

LAST NAME OF VICTIM REVEALED IN JUDGMENT

This variable indicates whether a victim's last name was revealed in the public court decision document that was available online. For reasons of data protection, Amnesty International did not release this variable to the public.

Possible values for this variable are:

Yes: the court decision reveals the last name of the victim.

No: the judgment does not reveal the last name of the victim.

For reasons of data protection, this variable is not included in the data that Amnesty International published. The outcome of this variable as well as detailed information on what personally identifiable information of victims was revealed in each court decisions was shared with the Kosovo Judicial Council.

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APPENDIX: FROM PAPER TO PRACTICE

KOSOVO MUST KEEP ITS COMMITMENTS TO DOMESTIC VIOLENCE SURVIVORS