

# 10 YEARS OF WORK AND DEDICATION: FOR THE FIRST TIME, THE VICTIM OF RAPE IN PRISON IS COMPENSATED



***“After the trauma... I found myself abandoned and lost: I lost my fiancée and friends, I thought I had reached the bottom. But the help of KRCT brought me to life and made me stronger. Because of their contribution, I am now better, they were always by my side; they have been a great help to me, giving me the strength to accept that life must go on” the words of the beneficiary.***

KRCT, since 2014 has supported the victim that has been raped sexually in the Dubrava prison. In addition to rehabilitation services, the victim has been represented in court proceedings in seeking justice for what happened in 2014.

In the end of 2023, the Basic Court in Prishtina, partly approved the victim's lawsuit and recognized their right to compensation for damages due to negligence in accordance with the legal responsibilities of security in correctional institutions and the mistreatment that occurred in 2014. According to the court's ruling, the Ministry of Justice as responsible for the Kosovo Correctional Service, is obliged to compensate the victim because of the emotional distress, physical pain, and violation of dignity and honor.

After fully enforcing the court decision, the Ministry of Justice compensated the victim as initially stipulated in the court ruling.

This is the first case of its kind where the court holds state institutions accountable for violations of the rights of prisoners. This strategic case will serve as a reference for any violation of the rights of individuals deprived of liberty.

The beginning of a harrowing story: A young man was sentenced to a fine of 400.00 euros, marking the start of a journey where hardships and challenges would become undeniable parts of his life!

A young man was convicted and fined 400.00 euros. Due to weak economic conditions, he could not pay the fine, which was converted into a 22-day imprisonment sentence. In September 2014, by the court's order, he was arrested and sent directly to the Correctional Center in Dubrava to serve the 22-day sentence.

Due to prison overcrowding, he was provided with only one mattress and placed in a room with four other prisoners who had long-term sentences spanning several years, thus violating the essential criteria for the prisoner system upon admission.

The young man, upon being placed in this room, began to be harassed by the other prisoners, and despite staff being notified of this harassment, no action was taken. During the evening hours, the same person was sexually raped.

After reporting, the case of the rape was handled by the Basic Court in Peja, where rape was proven. KRCT provided a defense lawyer for the victim throughout the entire procedure. Regarding the perpetrator who committed the rape, proceedings were terminated due to his passing away, while three other prisoners were sentenced to actual imprisonment for failure to report the incident.

After the completion of the trial where rape was proven, **KRCT ensured legal representation for the victim to pursue compensation for damages due to the failure of legal responsibility for security in the correctional institution and the mistreatment the victim endured during the serving of the sentence in the correctional institution. In this case, the victim, as the plaintiff, sued the Ministry of Justice / Kosovo Correctional Service, as well as the other prisoners present during the sexual assault.**

After reviewing the case, in September 2023, the Basic Court in Prishtina issued a Judgment partially approving the plaintiff's claim, the victim of rape. With this Judgment, **the court obliged the Government of the Republic of Kosovo – the Ministry of Justice, to compensate on behalf of the damages** caused due to the failure of legal responsibility for security in correctional institutions and the mistreatment endured in September 2014 for:

- **Emotional distress;**
- **Physical pain;**
- **Dignity and honor violation.**

Even though the lawsuit was partially approved, in terms of monetary compensation, the amount awarded was significantly lower than the plaintiff's claim, and this Judgment confirms the state's responsibility in this case. Specifically, this case reminds correctional institutions of their state responsibilities for the security and protection of the rights of individuals deprived of liberty. Among other things, the court concluded that In this specific case, it had been proven that there was a lack of adequate commitment from state institutions to provide sufficient security to the plaintiff. By placing him in a room with individuals convicted of more serious crimes, they exposed the plaintiff to a risk that resulted in the violation of his security, dignity, and honor, for which the defendant (Ministry) must be held accountable. Additionally, the court adds that: In this case, it can be said that the Kosovo Correctional Service knew or should have known that an individual's life was at risk, so it should have taken further steps to provide security and protection."

Following the full enforcement of the Judgment, the Ministry of Justice / Kosovo Correctional Service has implemented this Judgment by compensating the damages as determined by the court.

For such cases, continuous engagement is necessary, where KRCT, over the years, has provided comprehensive support and legal services to the victim to ensure justice is served.