

ANNEX 3

An example of one court case of severe family violence, obtained in the research that analyzed 1244 court cases (Lukic and Jovanovic, 2001), might reveal, in fact, how courts perceive gender-based violence. In between the lines, the court sent an important social message to females – they should be very careful not to irritate their husbands.

A husband was accused for inflicting a heavy bodily injury that might put a life in danger (his wife's spleen was split, she had internal bleeding, her eyes, belly and lungs were crumpled). His wife did not appear in court, since she was expected a third child, further, she had pregnancy complications due to severe injuries inflicted by the husband.

As her husband put it: "She did not come because of pregnancy, but also because she's afraid she might say something that she shouldn't". He also expressed his regret in the following way:

"I'm sorry. I shouldn't beat her that much, but if I hadn't, maybe she would go with that guy and leave me and kids".

*The sentence was announced one year and a half after the incident. The accused was sentenced to **probation** (10 months imprisonment, with a probation period of three years).*

*The sentence was **lower than the one prescribed for that crime by the law**. As justifications for lowering the sentence, the following was stated: the accused confessed an offence, the accused and the offended stabilized their relationship and got a third child, the accused was supporting a family, and finally, he honestly expressed remorse. Moreover, the court found that "...sentenced him to probation, because eventual imprisonment would prevent him in attempts to support his family. Also, that would put the offended and their children in unfavorable material position and jeopardize their existence.*

In sentencing the accused to probation, the court took into the consideration a behavior of the offended, since she to great extent contributed to his mental state of enhanced affective agitation.... Prolonged marital problems, which the accused could not have successfully solved, generated enhanced emotional tension.... Therefore, his liability tempore criminis was greatly reduced".