

Op-ed by Michael Doyle, Spokesperson of the Kosovo Specialist Chambers to ["KALLXO.com"](https://www.kallxo.com) on 30.4.2026.

(English version)

Delivering Justice at the Specialist Chambers

The Kosovo Specialist Chambers was set up in The Hague after Kosovo and the European Union agreed that certain crimes allegedly committed during and after the war should be tried outside of Kosovo to protect witnesses and to prevent interference in the trials. Kosovo agreed to delegate its authority to ensure secure, independent, impartial, fair and efficient criminal proceedings in this respect.

As decided by the Kosovo Parliament and thereafter reflected as an amendment to the Kosovo Constitution, the Specialist Chambers, which was set up as a separate court for a specific purpose, has its own legal framework with several features that differ from courts in Kosovo. For example, judges and staff members must be citizens of EU member states or one of the five contributing states.

These differences sometimes lead to questions and misunderstandings in Kosovo, including about how the court protects an accused's fair trial rights, the transparency of the proceedings, the existence of judicial oversight and accountability, or about the role of victims and witnesses. I want to clarify these issues.

How do the Specialist Chambers protect an accused's fair trial rights?

Article 21 of the Law on Specialist Chambers guarantees that an accused enjoys the presumption of innocence and may only be found guilty if the charges are proven beyond a reasonable doubt. It also provides other fair trial rights in accordance with internationally recognized standards. For example, if an accused cannot afford a lawyer, the court covers legal aid fees for a Defence team. In reaching decisions, judges apply the court's legal framework, which includes the international conventions referenced in the Kosovo Constitution. For example, in their decisions, judges have consistently applied the case law of the European Court of Human Rights.

Fair trial rights are also guaranteed through the rules that judges apply in the courtroom. For example, the Defence has the right to cross-examine the witnesses called by the Prosecution to testify in court. If a defendant is of the view that the rules are not being applied correctly in their case, they can appeal decisions to a separate panel of independent judges. After exhaustion of all legal remedies, defendants may make referrals to the Specialist Chamber of the Constitutional Court for any alleged violation of their rights or freedoms. This human rights protection mirrors the system before other courts in Kosovo.

What about oversight and accountability?

As with courts in Kosovo, defendants can appeal a judgment by a Trial Panel, as well as decisions taken during the trial before an Appeals Panel of separate judges, who independently review these appeals. Just as in Kosovo, a defendant may also ask a third level, the Supreme Court Panel, to review decisions by the Appeals Panel as provided for by the court's legal framework. Furthermore, defendants can file a request for protection of legality before the Supreme Court and can make referrals to the Constitutional Court if they think

their individual human rights have been violated by the court. This robust system of checks and balances ensures the most just outcome.

In addition, the Specialist Chambers has a Code of Judicial Ethics, which provides dedicated accountability mechanisms, including complaints and disciplinary procedures for judges. Similarly, the Code of Professional Conduct for Counsel and Prosecutors has an accountability mechanism for lawyers practicing before the court.

What about transparency and the protection of witnesses?

Although trials take place in The Hague, anyone in Kosovo can follow public court hearings of the Specialist Chambers online in Albanian, Serbian or English through the video streaming function on the website. All public documents – such as judgments, indictments, decisions and written arguments from the Defence and the Prosecution – can also be accessed on the website.

Sometimes part of a hearing or an entire hearing is closed to the public. The judges decide to hold hearings in private or closed session to protect the safety and identity of witnesses and victims.

As some of the cases that have taken place before the Specialist Chambers have shown, there have been threats to witnesses and to the integrity of proceedings. Three individuals pleaded guilty to the intimidation of a witness, and two others were convicted of witness intimidation in another case. It is more challenging to deliver justice if witnesses are afraid to tell their stories truthfully because they have been threatened or intimidated.

Notwithstanding the need to keep some information confidential for the protection of witnesses, journalists, monitors and the public are still able to follow a significant portion of the hearings.

For example, in the *Thaçi et al.* trial, a majority of the witnesses testified entirely or mostly in public session, and 61 witnesses testified without any protective measures. In addition, testimony that was initially confidential is reviewed regularly so that more testimony can be made public. So far, the previously confidential testimony of 19 witnesses has been made public, and this process continues.

Who are the victims?

Victims of crimes charged in an indictment before the Specialist Chambers can apply to participate in the proceedings. Victims have the right to be informed about the proceedings, the right to have their suffering recognized, and in case an accused is found guilty, victims may be afforded reparations. Two individuals have been convicted of war crimes before the Specialist Chambers. The 16 victims in those cases were predominantly Kosovo Albanians.

Victims are represented by a lawyer, who is referred to as victims' counsel. The victims' counsel keeps victims informed, represents them in court, and may call them to testify about the harm they suffered. For example, one of the victims told the court: *"I hope for a future free from crime, murder and fear. [...] We love our country Kosovo and it has never been our intention to say anything bad about it. All I'm asking is to be free to speak out about what we went through without any fear. I hope that one day we will be able to."*

Why isn't the KSC dealing with every crime committed in Kosovo?

The Specialist Chambers does not have exclusive jurisdiction over all war crimes or crimes against humanity that were committed during the war. The court was given a very specific mandate by the EU and the Kosovo Assembly.

Given the limited mandate, not every crime will be addressed at the Specialist Chambers. In the case of Kosovo, some of the war crimes committed in Kosovo were dealt with by the International Criminal Tribunal for the Former Yugoslavia, while others have been addressed by other courts and tribunals, and others are awaiting justice.

However, the Specialist Chambers can assure people in Kosovo that for every charge brought by the prosecution and confirmed by a judge, the court will ensure secure, fair, impartial and independent trials, where the rights of the accused are upheld, witnesses are protected, and the victims are given a voice.