

(English version):

### **Kosovo Specialist Chambers: Communicating International Justice from Afar**

For many places emerging from conflict, international or “internationalized” courts are working to deliver justice for victims of war crimes and crimes against humanity. In these societies, holding individuals accountable for their crimes can be an essential part of the healing and reconciliation process.

Yet, often such tribunals are located far away from where the conflict occurred. There are usually good reasons for this, including, for example, the need to ensure the safety and security of victims and witnesses, to avoid the potential for interference, or because the crimes under consideration were committed across international boundaries. Nevertheless, relocated institutions face some unique challenges in explaining their mandate to the public most affected by their work.

As the President of one of the “youngest” of these courts, the Kosovo Specialist Chambers located in The Hague, I am confident that the court will deliver fair, impartial, independent, safe and secure judicial proceedings. However, I also know that if the people in the region affected by the trials and the verdicts – foremost in Kosovo and Serbia – do not understand what our institution’s mandate is, our work will not be complete.

For this reason, communicating with people in Kosovo and the region about the work of the Kosovo Specialist Chambers, and giving people the chance to express concerns and ask questions has been a top priority from the beginning. Such communication allows us to address some of the misconceptions people naturally have about a court relocated in another country.

For example, we always emphasize that the Kosovo Specialist Chambers is not a political institution. It is a court where judges will conduct fair and impartial judicial proceedings. We also clarify that the Specialist Chambers and the Specialist Prosecutor’s Office are entirely independent. They do not take instructions from any outside institution, government or persons.

Another misconception that we often encounter is the idea that the Kosovo Specialist Chambers has been set up to try a particular group or somehow to rewrite history. On the contrary, the Specialist Chambers will only hold accountable persons for crimes they committed *individually*, and will not hold accountable any ethnic group, community or organisation.

In this context, it is also important to clarify what crimes fall within the jurisdiction of this court. The Kosovo Specialist Chambers can try individuals for crimes against humanity, war crimes and other crimes under Kosovo law that were allegedly committed between January 1998 and December 2000 and were committed or commenced in Kosovo by citizens of Kosovo or the Federal Republic of Yugoslavia or against such citizens, regardless of the perpetrator’s nationality.

We are also frequently asked what specific crimes involving which individuals will be tried by this court and when the proceedings will start. These are very understandable questions, but they are questions to which I do not have the answer. The Specialist Prosecutor conducts investigations and it is his decision whom to indict, for what specific crimes and when he will submit an indictment for review by a Pre-Trial Judge. During what is known as the confirmation phase, the content of an indictment

remains confidential. Indeed, an indictment will only be made public if and when it is confirmed by the Pre-Trial Judge.

One thing I do know, however, is that through all of the stages of the proceedings, the judges will ensure that the proceedings are undertaken in a secure, independent, impartial, fair and efficient manner.

Another crucial issue, which people are often concerned about, is the protection and support of witnesses. While I cannot go into operational details for security reasons, I wish to emphasize just how seriously the Kosovo Specialist Chambers takes these matters. The court has a specialized unit dedicated entirely to the support and protection of witnesses. When witnesses are called to testify in the courtroom, judges can order a variety of protective measures such as assigning pseudonyms and using voice or face distortion to ensure that witnesses testify in a secure manner, taking into consideration their safety, well-being, dignity and privacy.

Moreover, violations of court-ordered protective measures are offences against the administration of justice according to our law and the Specialist Prosecutor can bring charges against anyone seeking to influence witnesses or compromise their safety and security.

Perhaps the most difficult questions we encounter are posed by victims, who deserve justice and have been waiting over 20 years therefor. The Kosovo Specialist Chambers works with victims' groups and civil society to inform people about their rights before the court, to help them understand what type of crimes might be covered in an indictment and how they can participate in proceedings.

I believe that it is important that we also explain the limitations of the court's mandate so that people have realistic expectations. It should be emphasized in this regard, that not every victim of a war crime in Kosovo will be able to participate during the proceedings before the Kosovo Specialist Chambers. People who believe that they have been directly harmed as a result of a specific crime listed in an indictment of the Specialist Prosecutor can apply for participation. A judge will decide whether to grant victims participatory status. However, victims will not directly participate in person in trial proceedings. Their rights and interests will be represented by highly-qualified counsel.

I am confident that the Specialist Chambers will demonstrate that there can be no impunity for the grave crimes that were committed in Kosovo between 1998 and 2000 and that, even after 20 years, individuals suspected of having committed crimes within the Specialist Chambers' mandate can and will be held accountable.