

Kosovo Specialist Chambers and Specialist Prosecutors Office			
Citation	Abstract and/or Summary of Findings	Methods	Key Evidence or Figures
<b>Internal - Analyses of the court, its jurisprudence, and judicial system development</b>			
Cimiotti, Emanuele. "The Specialist Chambers and the Specialist Prosecutor's Office in Kosovo: The 'Regionalization of International Criminal Justice in Context.'" <i>Journal of International Criminal Justice</i> 14, no. 1 (2016): 53-72.	In August 2015, Kosovo established the Specialist Chambers (SC) and the Specialist Prosecutor's Office (SPO) with the mandate of prosecuting international and trans border crimes committed during and after the 1998–1999 armed conflict. This article examines the founding instruments of the SC and the SPO, the influence of certain regional organizations in their creation and management, their organization, jurisdiction, legal nature and the function they exercise within the international legal system. The key question is whether the SC and the SPO may be included in existing categories of judicial entities established to deal with international criminal justice. The article concludes that they represent a regional variation of mixed criminal tribunals.		
Cross, Matthew E. "Equipping the Specialist Chambers of Kosovo to Try Transnational Crimes: Remarks on Independence and Cooperation." <i>Journal of International Criminal Justice</i> 14, no. 1 (2016): 73-100.	At least two factors will be crucial to its success: an institutional design which adequately ensures its independent and effective operation in a potentially challenging climate, and a legal framework for cooperation with Kosovo and other relevant states which enables and encourages compliance with the tribunal's activities. Yet, achieving these two goals in a purely domestic legal context may result in an institution which is independent but left very much to its own resources. Its success therefore seems likely to be measured in its ability, and that of its European backers, to ensure that its independence does not come at the cost of isolation and impotence.		The government of Kosovo has taken somewhat unusual steps to ensure the SC is independent from other domestic authorities. It has likewise, both appropriately and necessarily, committed the SC to the effective protection of victims and witnesses. Yet, with its transnational mandate, the SC is set a task which will almost inevitably require it to operate beyond the limits of its own prescriptive and enforcement jurisdiction.
Heinze, Alexander. "The Kosovo Specialist Chambers' Rules of Procedure and Evidence: A Diamond Made Under Pressure?" <i>Journal of International Criminal Justice</i> 15, no. 5 (2017): 985-1009.	This article provides a first analysis of the KSC RPE, focusing on their institutional background, origin, development, and selected issues that might provoke internal conflicts.	Comparative analysis of rules of procedure and evidence	The author concludes that KSC RPE are not as good as they could have been, because of the unique political, institutional and legal situation setting the scene for the creation of the KSC RPE. KSC faces certain expectations based on political symbolism, ambition and realpolitik. Kosovo's political elite never showed particular interest in the investigation and prosecution of those who committed serious violations of international humanitarian law, including crimes against humanity and war crimes.
Holvoet, Mathias. "The Continuing Relevance of the Hybrid or Internationalized Justice Model: The Example of the Kosovo Specialist Chambers." In <i>Criminal Law Forum</i> , vol. 28, no. 1, pp. 35-73. Springer Netherlands, 2017.	The objectives in this article assessing the SC are twofold. First, the aim is to provide a critical account of the process that led to the establishment of the SC. It will be inquired whether the decision to create yet another international criminal judicial institution was, from the perspective of judicial economy, the most defensible one.	Legal analysis, literature review	<ul style="list-style-type: none"> <li>Often, States and/or international organizations seem eager to establish wholly new institutions as a quick-fix solution without sufficiently considering whether already existing entities could be mandated. The ICTY should have been considered more scrupulously as a possible institution to be mandated with the prosecution and adjudication of the KLA crimes documented in the Marty and SITF reports.</li> <li>The SC is now a fait accompli and its legal framework warrants rigorous analysis. Article 13 of the Law establishing the SC (crimes against humanity) will be arguably be of fundamental importance in the practice before the SC, due to the fact that one of the main rationales behind the establishment of the SC was to fill the void left by the ICTY's jurisdictional armed conflict requirement with regards crimes against humanity.</li> <li>The SPO will need to establish that the practice of organ trafficking was part of the widespread or systematic criminal campaign orchestrated by the KLA targeted at minority populations. With respect to war crimes, further investigations seem necessary to be able to demonstrate a relationship between the individual crimes of organ trafficking and the context of an armed conflict.</li> </ul>
Kosovo Specialist Chambers and Kosovo Specialist Prosecutors Office, First Report.	Detailed report on the structure and functions of the KSC and the SPO, written by Judge Ekaterina Tredafilova, President of the KSC, and Dr Fidelma Donlon, Registrar of the Kosovo Specialist Chambers		
Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo, S/2018/407 - Security Council Report, May 2018	<ul style="list-style-type: none"> <li>The Specialist Chambers continues to collaborate closely with the host State to facilitate its work.</li> <li>It continues to prioritize outreach activities to ensure its mandate is understood and to foster direct communication with affected communities.</li> <li>The Specialist Chambers Head of Public Information and Communications Unit and the Head of the Victims Participation Office held meetings on outreach activities with 115 representatives of women's groups and civil society.</li> <li>The Specialist Prosecutor's Office has continued the investigation into the allegations contained in the report of January 2011 of the Council of Europe Parliamentary Assembly, entitled "Inhuman treatment of people and illicit trafficking in human organs", which it took over from the Special Investigative Task Force in 2016.</li> <li>In recent months, the Specialist Prosecutor's Office has been carrying out a systematic review of all evidential holdings in compliance with requirements under the Rules of Procedure and Evidence.</li> </ul>		

<p>Sheremeti, Furtuna. "Between Court Models." (2017).</p>	<p>As well as knowing exactly how the Specialist Chambers and Specialist Prosecutor's Office will work, it is also crucial to understand their formation, in order to know exactly what we are dealing with over the next five years. There are three important issues that we should analyze in order to answer these questions, and understand the model of Specialist Chambers and Specialist Prosecutor's Office properly: Have the Specialist Chambers and the Specialist Prosecution's Office adopted a hybrid model? What exactly is a hybrid model, and is this the first time Kosovo encounters hybridity?</p>		
<p>Wierda, Marieke, and Tom Periello, "Lessons from the Deployment of International Judges and Prosecutors in Kosovo", International Center for Transitional Justice (2006).</p>	<p>This case study seeks to provide basic information and policy analysis on the deployment of international judges and prosecutors in Kosovo. It is part of a series that aims to provide information and analysis on policy and practical issues facing hybrid courts. In Kosovo, hybrid courts were established when international capacity was injected into the domestic legal system. The purpose of this case study is to provide basic information, some of which is still not widely available, on these areas to guide policymakers and stakeholders in establishing and implementing similar mechanisms.</p>	<p>Legal analysis, informant interviews, literature review</p>	<p>There have been difficulties in gathering evidence stemming from intimidation of witnesses and their unwillingness to come forward, the effects of displacement, and the loss of important physical evidence. This resulted in a low number of court cases, including a dismissal of charges in 95 out of 426 cases, and significant delays in 110 cases that are still pending. Also, many accused were inadequately charged, plea agreements were used improperly, resulting in lenient sentences in many cases. Overall, the OSCE finds that "the justice system failed to send out a clear message to the population condemning this type of violence."</p>
<p>Yanev, Lachezar. "Co-Perpetration Responsibility in the Kosovo Specialist Chambers: Staying on the Beaten Path?," Journal of International Criminal Justice 14, no. 1 (2016): 101-121.</p>	<p>This article examines the legal framework that the Law on Specialist Chambers (SC) and Specialist Prosecutor's Office (the Law) establishes for the applicable forms of individual responsibility at the SC in Kosovo. For this purpose, it specifically considers how the concept of co-perpetration is defined under each of the three separate paragraphs of Article 16 of the Law: the provision that lists the modes of liability and regulates their use depending on the category of the crime they are charged with.</p>	<p>Legal analysis, informant interviews</p>	<p>The author argues that SC should consider the doctrine of JCE because it: (i) embodies the law on co-perpetration responsibility for international crimes that existed and applied in Kosovo during the SC's temporal jurisdiction; and (ii) was sufficiently foreseeable and accessible to the accused by virtue of having a domestic underpinning in Article 22 of the SFRY Criminal Code. When construing co-perpetration responsibility, the SC should, therefore, rely on the JCE doctrine in relation to international crimes under Articles 13/14 of the Law, and on Article 31 of the KCC for all the domestic offences under Article 15 of the Law.</p>