

Kosovo after the Specialist Chambers judgment

An elderly man reacts while following the live broadcast of the Kosovo Specialist Chambers' verdict against four former KLA leaders at a public gathering in central Prishtina, 16 September. Photo: Arben Llapashtica

Ilir Deda

Analysis

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Kosovo's response to the Specialist Chambers judgment will shape more than the domestic debate about the war. It will affect the credibility of its institutions, relations with the allies that support its statehood, the ability to counter opponents of its independence, and the way future generations understand liberation and its consequences. Kosovo should support the strongest possible appeals and pursue lawful reform guided by rights and judicial independence. The President's return of the amendments to Parliament on 22 October creates an opening for reconsideration and engagement with allies. Criticism from former Western officials and legal specialists can support informed scrutiny of the judgment while preserving those partnerships.

On 16 September 2026, the Kosovo Specialist Chambers convicted Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi of war crimes, imposing sentences ranging from 13 to 25 years. The four were acquitted of crimes against humanity. This is a first instance outcome, subject to appeal.[1] Its political significance nevertheless extends beyond the defendants. For many Kosovo Albanians, these men are associated with liberation and the establishment of the state. A conviction can therefore be experienced as an attack on a shared history, even when the court's legal responsibility is to determine individual guilt.

The judgment requires a more careful political reading than either of the two dominant interpretations allows. The Panel's public summary excludes a determination on the legitimacy of the Kosovo Liberation Army (KLA) and its independence goal, while describing a coordinated criminal purpose involving members of its leadership. It attributes crimes against perceived opponents to that purpose and distinguishes the goals pursued from the criminal means used.[2] These findings do not amount to a conviction of the KLA as an organisation, or of Kosovo's independence. Equally, describing the case as individual responsibility cannot make its findings about structures and coordinated conduct politically insignificant. Individual liability and a damaging account of wartime leadership can coexist.

Kosovo's political leadership must operate within this distinction. It can dispute findings and support appeals without presenting every allegation as an accusation against the whole liberation struggle. It should also recognise why the language of the judgment causes anxiety. A court decides specific charges; the public hears statements about people and institutions woven into national identity. The political task is to prevent that gap from becoming an excuse for denial, a source of internal hostility, or an opening for opponents of Kosovo's statehood.

The strongest response would protect the defendants' procedural rights while preserving Kosovo's constitutional order. This requires political restraint as well as a

1 Kosovo Specialist Chambers (KSC), Thaçi et al case page, entry of 16 September 2026. The Panel's public summary, para. 10, specifies that only the judgment itself is authoritative.

2 KSC, Summary of Trial Judgment in Thaçi et al, KSC-BC-2020-06, 16 September 2026, paras. 5–7, 34 and 75–85, especially para. 80.

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Main square, Peja, 16 September Photo: Granit Gashi

serious account of how the country's institutions prepared society for the court they established. Public anger cannot be answered credibly through promises whose legal effect remains uncertain.

Changing the law during ongoing proceedings

On 6 October, the Assembly adopted amendments to the law governing the Specialist Chambers. The reported package narrows jurisdiction, introduces a maximum sentence of 15 years, and envisages changes concerning review by Kosovo's Supreme Court, imprisonment in Kosovo and presidential pardons.[3]

On 22 October, President Justina Shiroka Pula returned the legislation to the Assembly for reconsideration at the formal request of the Democratic Party of Kosovo (PDK), which sponsored it. The Presidency identified provisions concerning the Chambers' jurisdiction and mandate, and the constitutional rights of those standing trial, as particular subjects for reconsideration.[4] The 6 October vote cannot itself be treated as an automatic reversal of the September judgment.

During her 1 October visit to Pristina, European Commission President Ursula von der Leyen said that deciding whether to amend the law belonged to Kosovo, while repeatedly stressing that judicial independence must be guaranteed.[5] Her remarks recognise Kosovo's legislative authority and provide a basis for discussing reform with the EU. Their condition concerning independence must also guide that discussion. The statement preceded the final parliamentary vote and cannot establish the compatibility of every provision subsequently adopted.

Supporters argue that the court departed from the purpose for which it was established. That argument draws political force from the prominence of organ trafficking allegations in the debate surrounding Dick Marty's report. However, the 2015 law covered related war crimes, crimes against humanity and other offences, with temporal jurisdiction from 1 January 1998 to 31 December 2000. Its remit was not confined to organ trafficking.[6] The absence of such charges in this case does not, by itself, establish that the court exceeded its lawful jurisdiction. A claim of overreach must identify the actual legal boundary allegedly crossed.

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There is also a constitutional limit to legislative control. The Chambers were established through an international agreement, Article 162 of the Constitution and a specific law. Article 162 provides for specialised constitutional review and continuation of the mandate until the prescribed notification of completion. In November 2020, the Specialist Chamber of the Constitutional Court confirmed that continuation and found proposed constitutional amendments incompatible with protected rights.[7] Kosovo's Assembly has legislative authority, but it cannot exercise that authority as though the constitutional framework and international commitments did not exist.

The presidential return is a constitutional step in the legislative process. It does not amount to a court ruling that the amendments are unconstitutional. Article 80 permits a reasoned return only once per law. The Assembly's Rules require the responsible committee to prepare its report within four weeks of receipt; an override requires at least 61 votes, a majority of all deputies, and the law is then considered promulgated.[8] Parliament remains responsible for its next decision.

Ongoing proceedings do not, by themselves, settle whether a reform is lawful. The original 2015 law already requires the Chambers, when sentencing for international crimes, to consider subsequent, more lenient sentencing ranges in Kosovo law, alongside specified international law qualifications.[9] A categorical objection to every legislative change during proceedings is therefore too broad. The provision does not resolve the validity or applicability of the proposed 15 year ceiling, jurisdictional changes or transfers of judicial authority. These require assessment against the Constitution, the court's legal framework and Kosovo's international obligations, with their effect on individual cases determined through independent judicial procedures.

The political risk is greatest where amendments appear designed to secure a predetermined outcome for particular defendants or place jurisdiction and punishment under political control. The prominence of the convicted leaders and the proximity of the vote to their convictions intensify that concern. Kosovo should explain each contested provision's purpose and legal justification, including how it protects defence rights while preserving accountability, victims' rights and witness protection.

The return to Parliament creates an opportunity for a public, independent legal assessment and structured

3 European Western Balkans, Amendments to the Law on Specialist Chambers go against Kosovo's international obligations to the EU, 8 October 2026, reporting the Assembly-adopted package.

4 Presidency of the Republic of Kosovo, President Shiroka Pula returns the Law on the Specialist Chambers and the Specialist Prosecutor's Office for Reconsideration, 22 October 2026.

5 KOHA, Von der Leyen on changes to the Law on Special It is important to preserve the independence of the judiciary, 1 October 2026, reporting the press conference in Pristina. For her accompanying remarks on the Chambers' independent mandate and the right of appeal, see European Western Balkans, Ursula von der Leyen Institutional stability is crucial for Kosovo, 1 October 2026.

6 Republic of Kosovo, Law No 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office, 3 August 2015, arts. 1, 6–7 and 12–16. References here are to the original 2015 framework.

7 Republic of Kosovo, Constitutional Amendment No 24, 3 August 2015, art. 162(3), (13)–(14); KSC, Judgment on the referral of the proposed Constitutional Amendments, 26 November 2020.

8 Republic of Kosovo, Constitution, art. 80(3)–(6); Assembly of the Republic of Kosovo, Rules of Procedure, art. 84(2)–(4). The four week period concerns the committee report, rather than an automatic deadline for entry into force. See also Antigonë Isufi, Kallxo, Ligji për Specialen kthehet aty ku mori votat çfarë ndodh tutje me procedurat në Kuvend, 23 October 2026.

9 Republic of Kosovo, Law No 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office, art. 44(2)(a)–(c); see note 6. This provision requires consideration of subsequent more lenient sentencing ranges alongside the stated international law qualifications; it does not decide the validity or case-specific effect of the October amendments.

consultations with the EU and other partners. The Assembly should address substantive concerns, publish its reasoning and pursue any applicable constitutional review. Political leaders should avoid promising release or sentence reductions before competent courts determine the effect of valid changes. Kosovo's case for reform will be stronger if the revised text withstands legal scrutiny and preserves the independence needed to adjudicate the appeals.

Domestic pressure and institutional responsibility

The judgment arrived after almost two years of political crisis, repeated elections and delayed formation of institutions. The EU had already warned that Kosovo needed functioning institutions and a reliable partner capable of honouring commitments.[10] The convictions created a further incentive for parties to demonstrate loyalty to the liberation struggle, while making restraint politically costly. Competition over who speaks most forcefully leaves little space to explain whether promised measures can actually work. Public solidarity can become a contest over patriotic credentials rather than a commitment to a useful result.

The legislative initiative has also entered the bargaining over functioning institutions. The amendments formed part of the last minute agreement between the Democratic Party of Kosovo (PDK) and Vetëvendosje that enabled the election of Justina Shiroka Pula as president. It also reported Prime Minister Kurti's reservations about the speed and preparation of the changes.[11] The compromise helped overcome an institutional blockage. However, linking an agreement on the presidency to changes affecting ongoing judicial proceedings also exposed that settlement to a further dispute with Kosovo's partners.

PDK's request for reconsideration changes the handling of the political agreement. The party sought a final professional verification, completion of particular provisions and removal of obstacles to implementation. It invited proposals from experts, including the Ombudsperson, while remaining committed to the law's entry into force.[12] The request opens a process for correction without establishing how far the sponsor will revise the substance. Its significance depends on the changes that follow and the scrutiny behind them.

Political agreement cannot substitute for constitutional compatibility, and citizens need an honest explanation of what any revised law can achieve.

The new president has enabled reconsideration at the sponsor's request while reaffirming support for the KLA's historical contribution and the Assembly's declaration on the judgment. Her action shows that solidarity with the former leaders can coexist with returning legislation for examination. The Presidency, Government and Assembly must now produce a constitutionally defensible response without allowing the political bargain or pressure for rapid results to determine the legal assessment. Political agreement cannot substitute for constitutional compatibility, and citizens need an honest explanation of what any revised law can achieve.

The protests also reveal the risks of postponing that explanation. Demonstrations escalated into clashes on 5 October while protesters demanded that the Assembly complete the legislation.[13] Peaceful protest is legitimate. Institutions should protect the right to protest and respond proportionately to violence, while political leaders should stop treating confrontation as evidence of greater patriotism. Families of the defendants and veterans should not be left to navigate a situation in which political actors raise expectations and then evade responsibility for the consequences.

A common state position remains possible without agreement on every finding in the judgment. Parties could agree on sufficient and transparent funding for the appeals, independent defence expertise, protection of witnesses and victims, and continued fulfilment of Kosovo's legal obligations. The defence teams must determine litigation strategy; public institutions should provide support without directing their arguments. The same institutions should explain the limits of their powers. That would offer a concrete purpose for political unity and reduce the incentive to turn disagreement into an accusation of national betrayal.

Relations with allies and international credibility

The confrontation over the court is part of a broader deterioration in Kosovo's relations with the West. Government actions towards Serbs in the northern municipalities have raised concerns about whether the assertion of state authority respects due process and local democratic participation. The July 2026 demolitions at Gazivode/Ujman prompted EU, OSCE, German and British criticism, including concern that enforcement proceeded while judicial challenges were

10 EEAS, No more time to lose 2026 must deliver functioning institutions and real progress for Kosovo, 29 December 2025; RFE/RL, 7 October 2026, cited in note 11.

11 RFE/RL's Kosovo Service and Gjeraqina Tuhina, EU Says Kosovo's Changes To War Crimes Court Law Violate International Obligations, 7 October 2026.

12 Ekonomia Online, Konfirmohet se PDK-ja i kërkon Presidentes rikthimin e ligjit për Specialen, 22 October 2026, reproducing PDK's response on its formal request. For the Presidency's stated reasoning, including its position on the KLA's historical role, see note 4.

13 Reuters, Protesters clash with police over Kosovo war crimes court law, 5 October 2026.



Çlirim Haziri, leading the protests against the court's verdict. Photo: Arben Llapashtica

pending.[14] Kosovo has the right and obligation to enforce its laws. But police presence and administrative control cannot substitute for legal safeguards, cooperation with elected municipal leaders and services that residents can trust.

The unresolved Association of Serb majority Municipalities reinforces the perception that Kosovo undertakes commitments and then postpones implementation. The Association should be established within Kosovo's constitutional framework, with safeguards against creating a separate level of government that undermines the state's functioning. Its implementation belongs within a reciprocal normalisation process: the 2023 agreement also requires Serbia not to oppose Kosovo's membership in international organisations.[15] Western partners should apply expectations to both sides. Kosovo's own credibility, however, cannot be rebuilt simply by pointing to Serbia's failures.

The prolonged institutional crisis has added to these concerns. Repeated inability to establish functioning institutions undermined Kosovo's legitimate request for greater international responsibilities. Washington's September 2025 suspension of the planned Strategic Dialogue, citing government actions in northern municipalities that increased tensions and instability, was a concrete warning.[16] The October political compromise offers a chance to recover, but the election of a president does not by itself restore confidence in the government's approach or its readiness to cooperate with allies.

Trust has also weakened from Kosovo's perspective. Its EU membership application, submitted in December 2022, has not led to candidate status; the Commission still classifies Kosovo as a potential candidate.[17] Council of Europe accession remains blocked despite the Parliamentary Assembly of the Council of Europe's (PACE) favourable recommendation of April 2024. PACE treated establishment of the Association as a post-accession commitment, yet the membership process became politically entangled with demands for prior progress on it. In June 2026, the Committee of Ministers' chair confirmed the absence of consensus and cited Kosovo's institutional instability.[18] These are distinct processes, but together they make the promise of European inclusion appear distant.

These obstacles cannot all be attributed to Kosovo's government. Nonrecognition and political choices within European institutions also restrict progress. Indefinite delays and uneven conditionality weaken Western credibility and make compromise harder to defend domestically. However, frustration with blocked membership is not a persuasive justification for weakening judicial independence. Kosovo should challenge the inconsistency of its exclusion while strengthening the institutional conduct on which its own case for inclusion rests.

The EU's statements on the court should be read in sequence. Von der Leyen acknowledged Kosovo's

14 European Western Balkans, International missions condemn the demolition of Serb-owned villas near Lake Gazivode in northern Kosovo, 23 July 2026, reporting statements by the EU, OSCE and embassies.

15 EEAS, Agreement on the path to normalisation between Kosovo and Serbia, 27 February 2023, arts. 4, 7 and 10; PACE Opinion 302 (2024), para. 11, cited below.

16 US Embassy Pristina, Announcing Suspension of Strategic Dialogue with Kosovo, 12 September 2025; Reuters, US suspends dialogue with Kosovo says government moves stoke instability, 12 September 2025.

17 European Commission, Kosovo country page, membership status accessed 14 October 2026; Kosovo Report 2025, 4 November 2025, p. 91.

18 PACE, Opinion 302, 16 April 2024, paras. 11 and 19; exchange with the Committee of Ministers' chair, 23 June 2026, 12:51:42; Council of Europe, Member States, accessed 14 October 2026. For prior Association demands, see Associated Press, Kosovo criticizes Council of Europe for not holding a vote on its membership, May 2024.

Kosovo's strongest diplomatic position would combine a serious defence of its citizens' rights with evidence that it can fulfil the responsibilities of the statehood it asks others to support.

authority to decide on amendments on 1 October, with judicial independence as an explicit condition. After the Assembly adopted the package, the European External Action Service (EEAS) stated on 8 October that it conflicted with Kosovo's obligations towards the EU; Commissioner Marta Kos reinforced that objection on 12 October.[19] The sequence suggests a distinction between recognising the authority to legislate and accepting the content of particular amendments. Kosovo should seek a clear assessment of the revised provisions and explain how they preserve the Chambers' mandate and independence. The 22 October return provides a practical opening for that engagement.

This dispute also needs to be placed within the wider partnership. The United Kingdom's response to the judgment maintained support for Kosovo's sovereignty and independence alongside support for accountability.[20] The immediate diplomatic risk is a further loss of partners' willingness to invest political capital in Kosovo's advancement. A reconsideration that addresses the legal objections could help restore confidence; repeating the contested provisions without a convincing explanation would deepen the existing distrust.

Kosovo consequently needs a wider effort to restore cooperation with the West. Engagement on the court should accompany practical cooperation with northern mayors, respect for effective legal remedies and stable constitutional governance. Washington and European capitals should also offer a clearer route towards international inclusion and uphold Serbia's obligations. Kosovo's strongest diplomatic position would combine a serious defence of its citizens' rights with evidence that it can fulfil the responsibilities of the statehood it asks others to support.

Western criticism and its political implications

Criticism of the judgment also comes from Western officials and specialists, including people directly involved in Kosovo during the war and its aftermath. Their reactions give the debate an international dimension that deserves serious consideration. They also expose disagreement between several former participants in Western engagement in Kosovo and the institutions that now support the court. Kosovo should understand both the opportunities and the limits of that disagreement.

Wesley Clark, NATO's supreme allied commander during the 1999 intervention, and Christopher Hill, the former US special envoy for Kosovo, questioned a judgment that appeared inconsistent with their experience of the KLA and Thaçi. Clark said he had seen no evidence justifying the outcome and recalled Thaçi's efforts to protect innocent Serbs. Hill disputed the idea of an integrated KLA hierarchy, arguing that the organisation was considerably less coordinated than its public presentation suggested. Their objections carry political weight because they come from people who dealt with the leadership during the conflict. Whether their testimony undermines particular findings of criminal responsibility remains a question for the appeal.[21]

Daniel Serwer, the American Balkan analyst, and Aidan Hehir, a University of Westminster professor, placed the verdict within a broader critique of Western policy. Serwer disputed Thaçi's command authority and argued that the process had become political revenge. Hehir interpreted the court as a product of Western efforts to accommodate Serbia, with prosecutions that reinforced an unequal account of the conflict. Their arguments connect the judgment with concerns about selective accountability and Kosovo's international position. They are political interpretations of the institution and its consequences, rather than appellate determinations that its findings are unsustainable.[22]

Other objections focus more closely on the breadth of the findings. Sir Geoffrey Nice, the British lawyer who prosecuted Milošević at the ICTY, questioned the naming of seven regional KLA commanders[23] - who were not defendants - as participants in the joint criminal enterprise and called for examination of the full judgment's justification. Nevenka Tromp, a former ICTY researcher, argued that this amounted to a retrospective criminalisation of the KLA's central command structure beyond what earlier ICTY judgments had established. The seven were

19 EEAS, Spokesperson's statement on the adopted Law on the Kosovo Specialist Chambers, 8 October 2026; European Western Balkans, Kos says amendments to the Law on Kosovo Specialist Chambers are unacceptable, 12 October 2026. Compare von der Leyen's 1 October remarks, cited in note 5.

20 UK Foreign, Commonwealth and Development Office, UK calls for calm following Kosovo Specialist Chambers judgment, statement by the Minister for Europe, 16 September 2026.

21 Danas/Beta, Vesli Klark šokiran presudom Tačiju, 17 September 2026; Danas/Kosovo Online, Šta bivši ambasador Hil misli o presudama vođama OVK, 22 September 2026, reporting Hill's interview with Front Online.

22 Daniel Serwer, It's not just the verdict that is unjust, 16 September 2026; Aidan Hehir, Aktgjykimi i Speciales për krerët e UÇK-së pasqyrim i përparësive strategjike të Perëndimit jo synimit për drejtësi, Kallxo, 18 September 2026; English original in Balkan Insight, 17 September 2026.

23 Lahi Brahimaj, Fatmir Limaj, Sylejman Selimi, Rrustem Mustafa, Latif Gashi, Shukri Buja and Sabit Geci.

not convicted and retain the presumption of innocence. The political concern is that findings about their alleged participation can affect reputations and historical interpretation despite that distinction.[24]

Joaquín Urías, a Spanish constitutional law professor and former legal counsel at Spain's Constitutional Court, added a moral critique in an essay republished by Gazeta Express. He questioned proof of effective control over an irregular guerrilla organisation and the severity of Thaçi's sentence. He condemned abuses against Serbs while insisting that their context differed fundamentally from Serbia's organised campaign of ethnic cleansing. His argument addresses the relationship between individual accountability, the circumstances of resistance and proportional punishment.[25]

Earlier criticism helps explain why these reactions did not begin with the verdict. Daan Everts, a former OSCE mission head in Kosovo, argued in an op-ed carried by Gazeta Express and Nacionale that local KLA groups operated largely independently of the central leadership. He also criticised prolonged detention and the absence of organ trafficking charges.[26] Jason Steinbaum, a former senior congressional staffer, had separately challenged the political pressure behind the court's creation and Kosovo's limited influence over its design.[27] These interventions concern the institution and prosecution before the judgment and should be identified accordingly.

The Bar Human Rights Committee of England and Wales provided a separate legal assessment in its May preliminary review. It raised concerns about provisional release, judicial independence, evidence and equality of arms, while expressly stopping short of definitive conclusions. Essentially, the assessment raised questions whether defendants should remain in detention, the court's independence, how evidence was handled, and whether the defence had the same opportunity as the prosecution to present its case. The Committee did not reach firm conclusions on these issues.

This gives Kosovo a basis for requesting serious scrutiny of procedural fairness. It should not be presented as a finding that the September judgment was unlawful, since the review preceded it and made no such determination.[28]

The official position of the principal Western partners remains support for the court and respect for its judicial process. The United States, Britain, France and EU representatives affirmed that position after the judgment; Britain and France also reiterated support for Kosovo's independence.[29] Von der Leyen's recognition of Kosovo's legislative authority illustrates how continued support for the court can coexist with room to discuss compatible reforms. Former officials' criticism can strengthen the case for scrutiny, while the state remains responsible for cooperation with the court and the protection of its independence. Kosovo should pursue both a credible appeal process and a legally defensible approach to reform.

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For Kosovo, these reactions offer grounds for informed engagement with allies. Former officials' experience can help explain why the judgment has caused concern and why scrutiny should extend to the treatment of evidence, the attribution of responsibility and procedural fairness. Public institutions should seek support for independent legal expertise, sufficient resources for the appeals and protection of the defendants' rights. Arguments should be tied to identifiable findings and supported by the record. Criticism that recognises victims and accepts lawful review will be easier for partners to engage with than demands that governments override judicial decisions. This approach can defend Kosovo's interests while preserving the relationships on which its security and international advancement depend.

How opponents can use the judgment against Kosovo

The judgment also creates opportunities for Serbia, Russia and other opponents of Kosovo's independence. The main risk is that findings about individual criminal responsibility will be presented as evidence against the legitimacy of the liberation struggle and then against Kosovo's statehood. A criminal court's findings can acquire a much broader meaning when selected passages are circulated without their legal context. Kosovo should take this risk seriously without accepting the premise that the convictions invalidate independence or require governments to withdraw recognition.

The political use of the verdict is already visible. In an official statement on 16 September, Serbia's Ivica Dačić presented the convictions as confirmation that the KLA was a criminal and terrorist organisation and as a rejection of the narrative of a just liberation struggle. He extended that argument to Kosovo's legitimacy as a

24 Flaka Zogu, RFE/RL's Kosovo Service, Ç'mund të ndodhë me shtatë figurat e UÇK-së që u përmendën në aktgjykimin e 16 shtatorit, 18 September 2026, including comments by Geoffrey Nice and Nevenka Tromp.

25 Joaquín Urías, Kosova dhe etika e së keqes, Gazeta Express; English translation, Kosovo and the Ethics of Evil, Bridges of Memory, 22 September 2026, republished from Contexto y Acción.

26 Daan Everts, Parodia e drejtësisë në Hagë, Gazeta Express, published before the judgment and also carried by Nacionale. The essay concerns the prosecution and proceedings before conviction.

27 Gazeta Express, Jason Steinbaum Obama instistoi në Gjykatën Speciale si koncesion politik Rusisë për marrëveshje me Iranin, reporting Steinbaum's preverdict essay in Bridges of Memory. His account of the court's political origins is an authorial interpretation, not a judicial finding.

28 Bar Human Rights Committee of England and Wales, BHRC Publishes Report offering a Preliminary Review of the Kosovo Specialist Chambers, 11 May 2026. Review authored by Gus Waschefort and Lauren Lederle, commissioned by the Kosovo Ombudsperson.

29 UK Foreign, Commonwealth and Development Office, UK calls for calm following Kosovo Specialist Chambers judgment, 16 September 2026; Danas, Svetski zvaničnici reagovali na presudu Tačiju i ostalim liderima OVK, 16 September 2026, reporting British, French, US and EU responses. For von der Leyen's subsequent remarks on legislative authority and judicial independence, see note 5.

state.[30] This shifts the discussion from the conduct of the convicted individuals to the validity of the political outcome that followed the war.

Russia has made a similar connection while directing its criticism at the West. Danas reported on 22 September that Russian Foreign Ministry spokesperson Maria Zakharova described Kosovo as a "quasi-state" with a "bloody legacy" and used the convictions to portray NATO's intervention as an operation relying on criminals. She also criticised the acquittals on crimes against humanity and raised organ trafficking allegations.[31] Her reaction shows how convictions can be endorsed while findings that do not support an established political narrative are dismissed or supplemented with allegations outside the case.

The discussion of independence, political control and coordinated criminal conduct in the Panel's public summary is particularly susceptible to selective presentation. Opponents can foreground those passages while omitting the stated limits of the case and the distinction between objectives and criminal means.[32] The resulting message would be that Kosovo emerged from a criminal project. This would be a political inference promoted by its opponents, rather than a legal conclusion reached by the court. Its effectiveness would depend on audiences being unfamiliar with the full account of the findings.

Such arguments can be directed at governments considering recognition, states that already recognise Kosovo, and delegations deciding on international membership. They can make support for Kosovo more politically uncomfortable even without establishing a persuasive legal objection. Governments wary of secession may find an additional reason to maintain their existing positions. Serbia – if the new Student List led future government decides to be obstructive internationally to Kosovo's independence - could use the judgment to support campaigns against recognition and admission to international organisations, while Russia could incorporate it into its messaging in multilateral forums. The more plausible risk is prolonged obstruction and reduced diplomatic momentum, rather than an automatic or widespread reversal of recognition.

A further use would be to obscure Serbia's responsibility for the war by foregrounding KLA crimes and pushing repression, expulsions and killings of Kosovo Albanians out of the discussion. Accountability for crimes committed by KLA members cannot overturn the existing ICTY convictions of senior Serbian officials for crimes against Kosovo Albanians.[33] Recognition of all victims is necessary. It should also preserve the distinction between acknowledging additional crimes and rewriting the circumstances that led to the conflict. Russia can use a selective account to attack the credibility of Western humanitarian claims well beyond Kosovo.

Opponents can also connect wartime findings with present disputes over the treatment of Kosovo Serbs. Municipal powers, policing, property rights and religious heritage could be presented as evidence of an uninterrupted pattern of hostility. This narrative could strengthen demands for further safeguards and conditions on Kosovo's international advancement. Contemporary rights concerns deserve serious scrutiny on their own evidence. Historical convictions cannot automatically establish the truth of every current allegation, but government conduct that disregards legal safeguards makes the broader narrative more difficult to rebut.

Kosovo's institutional response could provide a consequential opening for its opponents. If public authorities seek to neutralise convictions through political control of jurisdiction or punishment, opponents can move from allegations about wartime leaders to criticism of the state's conduct today. The EU's objections to the October amendments would then become material that Serbia and Russia could cite in support of their own arguments.[34] Substantive reconsideration of the returned law could give Kosovo a stronger answer by

30 Government of Serbia, Serbia continues fight for justice truth about suffering of Serbian people in Kosovo and Metohija, statement by Ivica Dačić, 16 September 2026.

31 Danas, Zaharova o presudi Tačiju OVK će odgovarati za zločine nad srpskim stanovništvom, 22 September 2026, reporting Zakharova's comments through Kosovo Online and Sputnik. The quoted phrases are translated into English.

32 KSC, Summary of Trial Judgment in Thaçi et al, 16 September 2026, paras. 5–7 and 75–85, particularly para. 80; see note 2.

33 ICTY, Convictions for Kosovo crimes upheld for four senior Serbian officials, 23 January 2014, reporting the Šainović et al appeal judgment.

34 EEAS, Spokesperson's statement on the adopted Law on the Kosovo Specialist Chambers, 8 October 2026; see note 19.

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demonstrating that its institutions can examine and correct contested legislation. The diplomatic value of the return will depend on the scrutiny undertaken and the text that emerges. A further vote alone will not answer objections concerning judicial independence.

Kosovo therefore needs a targeted diplomatic response alongside support for the appeals. Its institutions should prepare accurate briefings that place frequently cited passages in context, explain the scope of the case, and distinguish criminal responsibility from statehood and recognition. They should challenge efforts to erase the documented crimes of Serbian forces while acknowledging victims of crimes attributed to KLA members. Public claims that the entire liberation struggle has been convicted can inadvertently circulate the very interpretation Kosovo's opponents want others to accept. A credible response should contest misuse of the judgment and demonstrate that Kosovo's institutions protect rights and honour their obligations.

Remembrance and a credible state response

The judgment also exposes a tension in Kosovo's culture of remembrance. Liberation is remembered through sacrifice, resistance and the achievement of statehood. Those experiences deserve recognition. But a public narrative organised predominantly around leaders and heroic events can leave little room for civilians whose suffering complicates that account. Recognising such victims does not require abandoning the history of repression or treating all parties to the conflict as equivalent. It requires acknowledging that a legitimate struggle does not remove the obligation to examine crimes committed within it.

Existing initiatives such as the Kosovo Memory Book offer an approach based on names, evidence and personal histories.[35] Courts contribute important records, but a judgment is not a complete history of a war. Historians, educators and civil society should examine that record critically, distinguish final findings from matters under appeal, and connect it to the wider history without erasing inconvenient experiences.

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Protection of witnesses is inseparable from this responsibility. The Trial Panel described a persistent climate of intimidation surrounding the case.[36] Whatever objections are raised about particular testimony or findings, they must be pursued through lawful procedures. Public figures should reject threats, exposure of protected identities and the branding of witnesses as traitors. Otherwise, the political response reinforces the conditions invoked to justify relocating proceedings abroad and makes a credible domestic culture of accountability harder to build.

Kosovo needs a response with clear responsibilities: public financing and independent expertise for the appeals; substantive reconsideration and constitutional scrutiny of the returned law; coordinated engagement with allies and a diplomatic response to misuse of the judgment against Kosovo's statehood; and implementation of its transitional justice commitments. The Presidency can convene political dialogue, the Government can organise resources and diplomatic work, and the Assembly must explain and scrutinise the proposed reforms. The defence teams and courts retain responsibility for litigation and judicial decisions. Citizens should receive a clear explanation of the judgment, the appeal process and what public institutions can realistically achieve.

The September judgment will remain part of Kosovo's political and historical debate whatever happens on appeal. Its long term effect will depend partly on how the state responds. The 22 October return offers an opportunity to move towards a more considered response, drawing on Kosovo's legislative authority while respecting judicial independence. A response grounded in constitutional responsibility would allow the country to defend the rights of the convicted men, recognise victims and preserve the partnerships essential to its future. The reservations expressed by Western officials and specialists should be used to seek careful legal scrutiny and informed diplomatic engagement. Kosovo's liberation should be honoured through the kind of state it builds.

35 Humanitarian Law Center Kosovo, What we do, section on documentation and memorialisation; Human Rights Data Analysis Group, Evaluation of the Kosovo Memory Book, 4 February 2015.

36 KSC, Summary of Trial Judgment in Thaçi et al, 16 September 2026, paras. 24–27; see note 2.



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