



# Trials in Absentia for War Crimes in Kosovo: Accountability, Fair Trial Guarantees, and European Human Rights Standards

DOI: <https://doi.org/10.14232/bless.2025.2.70-79>

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## ABSTRACT

The pursuit of justice for war crimes in the Western Balkans, particularly Kosovo remains riddled with complex challenges, reflective of broader tensions between peace, accountability, and the protection of fundamental rights. While political agreements can end hostilities, true reconciliation depends on the delivery of credible criminal justice—particularly in the context of post-conflict societies. One of the most contentious tools in this process is the use of trials in absentia, whereby proceedings continue despite the accused’s absence. Although such trials are a pragmatic response to the realities of non-cooperation, cross-border fugitives, and impunity, they raise significant concerns regarding the right to a fair trial, the effectiveness of accountability mechanisms, and, most critically, the compatibility of these proceedings with international human rights standards as established in instruments such as the European Convention on Human Rights (ECHR) and the International Covenant on Civil and Political Rights (ICCPR). This article focuses on the situation in Kosovo as an example within the Western Balkans, where post-conflict justice mechanisms and trials in absentia have become particularly relevant. The article examines these legal and ethical dilemmas, interrogating whether in absentia trials can deliver justice without sacrificing fundamental due process guarantees or undermining the legitimacy of the rule of law in the region.

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## KEYWORDS:

Trials, trials in absentia, war crimes, fair trial, European Human Rights, Kosovo

## Introduction

In line with post-conflict legal reforms across the Western Balkans, Kosovo introduced the possibility of conducting trials in absentia for criminal offences against international humanitarian law and international criminal law through amendments to its Criminal Procedure Code (CPC) in 2019, with subsequent amendments in 2021 and 2023. These amendments extended the use of such trials under specific conditions including for war crimes. Regarding war crimes, a trial in absentia can commence when the court is convinced that reasonable efforts have been undertaken to notify the accused of the charges and to ensure their presence before the court. Pursuant to Article 303 of CPC, reasonable efforts include the issuance of a summon, arrest order; search for the accused's address, publication of a wanted court notice, and public information campaign, calling the accused to surrender. The summons and the indictment are published on the State Prosecutor's website and Kosovo's Official Gazette.<sup>1</sup>

The accused must be represented by a defence attorney throughout the court proceedings, until a final judgement is rendered. To align with international standards, convicted persons retain the right to a retrial if they later appear before the court or are arrested.<sup>2</sup>

The rationale for this mechanism is practical: many suspects reside outside Kosovo, mainly in Serbia, making their presence impossible due to their unwillingness to appear and the continued lack of extradition cooperation between Kosovo and Serbia.<sup>3</sup> Yet, this mechanism raises questions about compatibility with fair-trial guarantees, particularly the accused right's to be present, to challenge evidence,

and to mount an effective defence.<sup>4</sup>

While Kosovo's domestic law sets out the procedural framework, its compliance must be assessed in light of international human rights obligations, particularly the ICCPR and the ECHR.

## International Human Rights Standards and Comparative Context

ICCPR, particularly Article 14, enshrines the right of an accused to be present at their trial, but—according to the UN Human Rights Committee's General Comment No. 32 and its jurisprudence—in absentia trials are not per se prohibited under international law. Such proceedings are only permissible under strict conditions: the state must prove that the accused was properly informed about the charges and proceedings, and the absence must be voluntary—i.e., the accused must have unequivocally chosen not to attend. Notification and a genuine opportunity to appear are thus central, and if these requirements are not met, an in absentia conviction is incompatible with the ICCPR.<sup>5</sup>

The Human Rights Committee established in *Mbenge v. Zaire*<sup>6</sup> and *Maleki v. Italy*<sup>7</sup> that the burden is on the state to demonstrate adequate notification, with proof that summons or information about the trial actually reached the accused. If notice cannot be shown, a representative's presence does not cure the defect. Additionally, the right to defence is heightened in in absentia cases: fair representation by counsel and the right to seek a retrial or reopening of the case, if one's absence was due to reasons beyond their control or they were inadequately informed, are essential procedural safeguards.<sup>8</sup> As can be seen above, international human-rights doctrine treats presence as more than a formality; in its intrinsic to the right to a fair

<sup>1</sup> Code no.08/L-023 on Criminal Procedure (Kosovo), available at <https://gzk.rks-gov.net/ActDetail.aspx?ActID=61759> (accessed on 12 November 2025).

<sup>2</sup> Ibid Article 303

<sup>3</sup> See Serbeze Haxhijaj, Kosovo hopes that war crimes in absentia trials will increase the number of convictions (Balkan Insight, 6 August 2021), available at <https://balkaninsight.com/sq/2021/08/06/kosova-shpreson-ge-gjykimet-ne-mungese-do-te-shtojne-denimet-per-krimelufte/> (accessed on 9 November 2025).

<sup>4</sup> See Humanitarian Law Center Kosovo, *Breaking the Silence: Justice for War Victims (2024) 272* [hereinafter HLC Kosovo 2024 Report], available at <https://hlc-kosovo.org/storage/app/media/Raporti%20vjetor%202024/Kosovo%20report%202024%20ALB%20SRB%20ENG.pdf> (accessed on 11 November 2025).

<sup>5</sup> Human Rights Committee, General Comment No. 32, Article 14: Right to equality before courts and tribunals and to a fair trial, U.N. Doc. CCPR/C/GC/32 (2007), available at <https://www.refworld.org/legal/general/hrc/2007/en/52583> (accessed on 20 December 2025).

<sup>6</sup> *Daniel Monguya Mbenge v. Zaire*, Communication No. 16/1977, U.N. Doc. Supp. No. 40 (A/38/40) at 134 (1983), available at <https://hrlibrary.umn.edu/undocs/session38/16-1977.htm> (accessed on 20 December 2025).

<sup>7</sup> *Maleki v. Italy*, Communication No. 699/1996, UN Human Rights Committee, CCPR/C/66/D/699/1996, available at <https://hrlibrary.umn.edu/undocs/session66/view699.htm> (accessed on 20 December 2025).

<sup>8</sup> See also: Schwarz, Alexander: The legacy of the Kenyatta case: Trials in absentia at the International Criminal Court and their compatibility with human rights, *Afr. hum. rights law j.* vol.16 n.1 Pretoria 2016. pp. 99-116.



sentenced to 15 years' imprisonment.<sup>19</sup> Following that, two additional guilty verdicts were issued against three accused, each also sentenced to 15 years in prison.<sup>20</sup> None of these judgements is final yet. The absence of final judgement reflects the caution of higher courts in handling the complex legal and procedural issues that arise in trials in absentia.

These developments demonstrate institutional maturity and commitment to justice. However, scholars argue, trials in absentia should remain exceptional mechanisms of last resort, particularly in cases involving international crimes where fairness is paramount.<sup>21</sup> Moreover, Schabas and Subotic observe that sustainable accountability depends not only on convictions but also on their perceived fairness and conformity with human rights norms.<sup>22</sup> This underscores the ongoing tension between ensuring accountability and adherence to international fair-trial standards. Ultimately, Kosovo's use of such trials will further test whether the pursuit of justice in post-conflict societies can coexist with the rigorous procedural safeguards demanded by European human-rights law.

Beyond the war crimes context, extensive academic literature has examined trials in absentia from both legal and practical perspectives. From a legal point of view, scholars question whether conducting proceedings without the accused is compatible with fundamental principles of criminal procedure, such as

adversarial proceedings, equality of arms, and the direct assessment of evidence. From a practical perspective, trials in absentia are often seen as exceptional tools used in cases where the accused has fled, deliberately avoided justice, or where extradition is not possible.<sup>23</sup> Although much of this literature does not specifically address international crimes, it generally views trials in absentia as measures of last resort, acceptable only when strict procedural safeguards are in place, including proper notification, legal representation, and a real right to retrial.<sup>24</sup> This broader debate offers a useful framework for evaluating Kosovo's approach.

While these indictments and trials demonstrate institutional engagement, they also reveal several legal and practical challenges inherent in conducting trials in absentia.

## Legal and Practical Challenges

### 1. Fair-trials guarantees

Trials in absentia inherently challenge the right to participate. Absent accused cannot effectively confront witnesses, present evidence or engage fully with defence counsel. The European Court of Human Rights emphasizes that presence is fundamental to fair trial.

Scholarly analysis echoes this concern. The Manual on Fair Trial Standards warns that trials in absentia could potentially prejudice the fairness of the hearing. Similarly

<sup>19</sup> Prosecutor against Ćedomir Aksić; HLC Kosovo, Press release, The First Verdict in Absence for War Crimes in Judicial Practice in Kosovo: A new Precedent and Challenges for Justice, available at <https://hlc-kosovo.org/sq/media/komunikata-per-media/158/aktgjykimi-i-pare-ne-mungese-krimet-e-luftes-ne-praktiken-gjyqesore-ne-kosove-precedenti-i-ri-dhe-sfida-drejtisine> (accessed on 9 November 2025).

<sup>20</sup> Prosecutor against Slavisa Filić (July 2025); Adile Agushi and Xhorxhina Bami, Kosovo Sentences Serb Ex-Security Officer in Absentia Over Doctor's Disappearance (Balkan insight, 17 July 2025), available at <https://balkaninsight.com/2025/07/17/kosovo-sentences-serb-ex-security-officer-in-absentia-over-doctors-disappearance/> (accessed on 9 November 2025); Prosecutor against Ivica Rajković and Dragan Denić (July 2025) Krenare Ferati, Kosovo Court Convicts Two Serbs in Absentia of Wartime Rape (Balkan Insight, 28 July 2025), available at <https://balkaninsight.com/2025/07/28/kosovo-court-convicts-two-serbs-in-absentia-of-wartime-rape/> (accessed on 11 November 2025).

<sup>21</sup> Christophe Paulussen, Trials in Absentia of Foreign Freighters and their Families?, International Center for Counter-Terrorism (2022), available at

<https://icct.nl/publication/trials-absentia-foreign-fighters-and-their-families> (accessed on 8 November 2025).

<sup>22</sup> William Schabas, The Customary International Law of Human Rights, Oxford University Press (2021), 271-294; Jelena Subotic, Hijacked Justice: Domestic Appropriation of International Norms (2005) *Human Rights & Human Welfare*, Article 61, available at <https://digitalcommons.du.edu/hrhw/vol5/iss1/61/> (accessed on 10 November 2025).

<sup>23</sup> See T H Fomina, Criminal Proceedings in the Absence of the Suspect or Accused (in absentia) (2025) *Law and Safety* 147-161, available at <https://pb.univd.edu.ua/index.php/PB/article/view/869> (accessed on 20 December 2025).

<sup>24</sup> See Elizabeta Ivičević Karas, Reopening of Proceedings in Cases of Trial in Absentia: European Legal Standards and Croatian Law (2018) *EU and Comparative Law Issues and Challenges*, Series 291-309, available at <https://ojs.srce.hr/index.php/ecllc/article/view/7113/4604>; Adrian Stan, Remedies for the Trial in Absentia – The Recent Romanian Experiences (2020) *EU and Comparative Law Issues and Challenges* Series 650-669, available at <https://ojs.srce.hr/index.php/ecllc/article/view/11920/5898> (accessed on 20 December 2025).

comparative legal research stresses that unless the accused is adequately represented and notified, such proceedings risk jeopardizing the accused's right to a fair trial. Kosovo's CPC contains procedural safeguards, yet questions remain as to whether these are applied consistently and whether defence representation can genuinely substitute for the accused's own participation.

Another dimension affecting the effectiveness of in absentia trials in the issue of international cooperation and extradition, particularly in light of Kosovo's relationship with Serbia.

## **2. Cooperation and extradition**

Like other countries in the Western Balkans, Kosovo faces persistent non-cooperation from Serbia, which refuses to recognize Kosovo's jurisdiction. This lack of cooperation complicates evidence collection, the questioning of witnesses, and the enforcement of verdicts. Civil-society monitoring reports by the Humanitarian Law Center emphasize that, despite an increase in indictments, war-crimes adjudication has been largely prevented by the political issues between the two countries.<sup>25</sup> In this context, Humanitarian Law Center Kosovo reports indicate that since the introduction and subsequent expansion of legal framework allowing trials in absentia, Kosovo authorities have increasingly relied on this mechanism to pursue justice for war crimes against accused located outside its jurisdiction. The persistent lack of exchange in information and judicial cooperation between the two countries has continued to hinder effective investigations and prosecutions,<sup>26</sup> contributing to prolonged delays and a perception of impunity among victims and wider public. Consequently, trials in absentia have been seen as a practical solution.

## **3. Legitimacy and enforcement**

Legitimacy and enforcement of judgments delivered in absentia trials remain deeply contested in both legal and societal terms. From a legitimacy perspective, such judgments frequently draw scrutiny regarding their conformity with established human rights standards, especially the rights of the defence and the right to be

present at trial. The European Court of Human Rights consistently stresses that fair trial guarantees must not only exist on paper but must be demonstrably effective in practice, requiring real and practical safeguards such as proper notification, effective legal representation, and a meaningful right to retrial if the accused is apprehended or voluntarily returns. In Kosovo, although legal safeguards exist and in absentia convictions serve as a visible assertion of accountability and a commitment to justice, many observers argue these proceedings risk appearing more symbolic than substantive, particularly when sentencing high-level suspects who remain at large.

Verdicts in absentia risk being largely symbolic if the accused remain at large. Legal commentary suggests that such convictions may lack enforceability under international law, raising doubts about their deterrent effect. Monitoring by local NGOs underscores that while legal foundations for in absentia trials exist, these proceedings fail to deliver meaningful justice outcomes for victims.

Enforcement remains another critical obstacle. Judgments handed down in absentia have limited practical effect if the convicted individuals are outside domestic jurisdiction and there is no extradition or international cooperation to secure their arrest. Thus, actual justice for victims and communities may remain elusive, as verdicts are unenforceable beyond Kosovo's borders and can do little to secure reparations or deter future violations while the accused persons evade custody. This gap undermines both the credibility of the judicial process and broader efforts at transitional justice and reconciliation, as communities may question the value of convictions rendered in the absence of tangible accountability. Moreover, persistent challenges such as lack of cooperation from neighboring states, disputed extradition procedures, and the risk that summaries of trial proceedings are not accessible to the public may compound doubts about fairness and transparency.

This dynamic reveals a deeper legitimacy problem: in absentia trials can advance formal accountability but may fall short of restorative or reconciliatory goals. As one scholar notes, in post-conflict societies, trials detached from the accused and public perception risk being perceived as legal formalities rather than genuine justice.

This reveals a broader dilemma inherent in in absentia

<sup>25</sup> Humanitarian Law Center Kosovo, *Annual Report on War Crimes Trials: No Visible Progress* (2022) available at [https://hlc-kosovo.org/storage/app/media/Kosovo%20report%202022%](https://hlc-kosovo.org/storage/app/media/Kosovo%20report%202022%20ALB%20SRB%20ENG.pdf)

[20ALB%20SRB%20ENG.pdf](https://hlc-kosovo.org/storage/app/media/Kosovo%20report%202022%20ALB%20SRB%20ENG.pdf) 9 (accessed on 9 November 2025); HLC Kosovo (n 4); HLC Kosovo (n 18).

<sup>26</sup> See Humanitarian Law Center Kosovo, *Annual Report on War Crimes Trials: No Visible Progress* (2022) 313.

proceedings: while they may advance formal accountability and serve important symbolic purposes, their contribution to the traditional objectives of criminal justice - such as deterrence, rehabilitation, and the restoration of social order - remains limited in the absence of enforcement.

Nevertheless, even if judgments in absentia are not immediately enforceable, they can play an important symbolic and normative role. These proceedings send a signal to domestic and international audiences that war crimes and gross human rights abuses will not go unpunished simply because a perpetrator is unavailable or shielded from prosecution. They help maintain collective memory, reinforce the rule of law, and may exert pressure on fugitives in the long term.

The challenges discussed also highlight the importance of aligning Kosovo's in absentia proceedings with European human rights standards, especially as Kosovo seeks membership in the Council of Europe.

#### ***4. Kosovo and membership in the Council of Europe***

As Kosovo advances toward membership in the Council of Europe, its approach to in absentia proceedings will increasingly fall under the scrutiny of the European Court of Human Rights (ECtHR). In the Western Balkans, Croatia's experience offers a valuable precedent: several ECtHR judgements – like the cases of *Sanader v. Croatia*, *Marinic v. Croatia* and *Boljević v. Croatia* – against Croatia found violations of Article 6 of ECHR in in absentia war-crimes cases, particularly due to adequate notification and limited opportunities for retrial once accused reappeared. These rulings compelled Croatia to reform its legislation to strengthen procedural safeguards and retrial rights.

For Kosovo, as for other Western Balkans states aspiring to EU, the lesson is clear – procedural guarantees on notification, defence representation and retrial must not only exist in law but also be demonstrably effective in practice. Aligning with ECtHR jurisprudence before accession would help ensure that in absentia trials meet European human-rights standards and avoid future adverse judgements that could undermine Kosovo's credibility within the Council of Europe. This is not only a legal but also a political imperative for demonstrating the Kosovo's readiness for integration into European institutions.

#### **Conclusion**

In conclusion, the recourse to in absentia trials for war crimes in Kosovo exemplifies both the determined pursuit of accountability and the persistent dilemmas facing post-conflict societies that remain entangled in unresolved political and legal barriers. While these proceedings fill a critical gap in justice when the accused are beyond a state's reach—primarily due to chronic non-cooperation with Serbia—they are not a panacea. Their legitimacy is persistently questioned, both by legal scholars and human rights advocates, as to whether such mechanisms can satisfy the dual imperative of accountability for the most serious crimes and the uncompromising observance of fair trial guarantees. This tension is further compounded by the unique burden placed upon Kosovo to align with European standards and the jurisprudence of the European Court of Human Rights, particularly as its Council of Europe accession ambitions place it under increasing scrutiny.

The procedural design of in absentia trials in Kosovo reflects an awareness of these concerns, embedding requirements for exhaustive notification efforts, compulsory defence representation, and the crucial right to a retrial upon the accused's return. Yet, as practice reveals, the mere existence of these safeguards in law does not assure their consistent and effective implementation. Genuine notification, meaningful defence, and a real possibility for a retrial are not always achieved in practice, potentially rendering convictions vulnerable under international scrutiny. Moreover, even when such trials produce verdicts, their enforcement remains fraught, with judgments often unenforceable outside Kosovo's jurisdiction and thus limited in delivering justice, reparations, or closure to victims and their communities.

Symbolically, in absentia convictions do serve a vital function by affirming a commitment to the rule of law and memorializing the suffering of victims, sending a message that impunity will not be tolerated—even when international cooperation stalls. However, this symbolic dimension is insufficient unless accompanied by tangible outcomes: opportunities for restitution, genuine reintegration of the accused into the justice process should circumstances change, and an unwavering commitment to restorative justice and reconciliation. For Kosovo, the experience of Croatia offers cautionary lessons—the legitimacy of in absentia trials must rest not only on procedural propriety but on demonstrable fairness, transparency, and real prospects for future judicial engagement.

Ultimately, the evolution of in absentia trials for war crimes in Kosovo will serve as a litmus test for the compatibility of

pragmatic justice mechanisms with international human rights norms in the Western Balkans. Kosovo's experience highlights a regional example of how pragmatic justice measures can coexist with international human rights norms in post-conflict societies. As the region continues to grapple with the legacies of conflict, only a system that consistently combines accountability, due process, and inclusiveness will foster legitimate and sustainable peace. The future success of Kosovo's approach thus depends on rigorous application of procedural safeguards, strategies for international cooperation, and a commitment to both justice and reconciliation as inseparable pillars of post-conflict recovery.

## COMPETING INTERESTS

The author has no competing interests to declare.

## REFERENCES

- Agushi A and Bami Xh, Kosovo Sentences Serb Ex-Security Officer in Absentia Over Doctor's Disappearance (Balkan insight, 17 July 2025), available at <https://balkaninsight.com/2025/07/17/kosovo-sentences-serb-ex-security-officer-in-absentia-over-doctors-disappearance/> (accessed on 9 November 2025);
- Amnesty International, Fair Trials Manual (1998) 127-128, available at <https://www.amnesty.org/en/wp-content/uploads/2021/06/pol300021998en.pdf> (accessed on 13 November 2025).
- Case of *Colozza v Italy* App no 9024/80 (ECtHR, 12 Feb 1985), available at <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%22001-57462%22%7D> (accessed on 20 December 2025).
- Case of *Colozza v. Italy* (Application No 9024/80) Judgement of 12 February 1985, available at <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%22001-57462%22%7D> (accessed on 12 November 2025).
- Case of *Sanader v. Croatia* (Application no 66408/12), available at <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%22001-151039%22%7D> (accessed on 12 November 2025).
- Case of *Sejdovic v Italy* (App no 56508/00) (ECtHR, 1 Mar 2006), available at <https://hudoc.echr.coe.int/fre#%7B%22itemid%22%3A%22001-72629%22%7D> (accessed on 20 December 2025).;
- Clooney A and Webb P, *The Right to Be Present: The Right to a Fair Trial in International Law* (Oxford University Press 2021).
- Code no.08/L-023 on Criminal Procedure (Kosovo), available at <https://gzk.rks.gov.net/ActDetail.aspx?ActID=61759> (accessed on 12 November 2025)
- Common Wealth Human Rights Initiative, Fair Trial Manual- A Handbook for Judges and Magistrates (2010) 29, available at [https://www.humanrightsinitiative.org/publications/police/fair\\_trial\\_manual.pdf](https://www.humanrightsinitiative.org/publications/police/fair_trial_manual.pdf) (accessed on 10 November 2025).
- Daniel Monguya Mbenge v. Zaire*, Communication No. 16/1977, U.N. Doc. Supp. No. 40 (A/38/40) at 134 (1983), available at <https://hrlibrary.umn.edu/undocs/session38/16-1977.htm> (accessed on 20 December 2025).
- European Convention on Human Rights (opened for signature 4 November 1950, entered into force 3 September 1953) ETS 5.
- Ferati K, Kosovo Court Convicts Two Serbs in Absentia of Wartime Rape (Balkan Insight, 28 July 2025), available at <https://balkaninsight.com/2025/07/28/kosovo-court-convicts-two-serbs-in-absentia-of-wartime-rape/> (accessed on 11 November 2025).
- Fomina T H, Criminal Proceedings in the Absence of the Suspect or Accused (in absentia) (2025) *Law and Safety* 147-161, available at <https://pb.univd.edu.ua/index.php/PB/article/view/869> (accessed on 20 December 2025).
- Foundation Humanitarian Law Center, *Executive Summary – Report on War Crimes Trials in Serbia in 2024* (2024), available at [EXECUTIVE SUMMARY Report on War Crimes Trials in Serbia in 2024-1.pdf](https://www.humanitarianlawcenter.org/wp-content/uploads/2024/11/EXECUTIVE-SUMMARY-Report-on-War-Crimes-Trials-in-Serbia-in-2024-1.pdf) (accessed on 9 November 2025).
- Haxhiaj S, 'Kosovo hopes that war crimes in absentia trials will increase the number of convictions' (Balkan Insight, 6 August 2021), available at <https://balkaninsight.com/sq/2021/08/06/kosov-a-shpreson-qe-gykimet-ne-mungese-do-te-shtojne-denimet-per-krime-lufte/> (accessed on 9 November 2025).
- Human Rights Committee, *General Comment No. 32, Article 14: Right to equality before courts and tribunals and to a fair trial*, U.N. Doc. CCPR/C/GC/32 (2007), available at

- <https://www.refworld.org/legal/general/hrc/2007/en/52583> (accessed on 20 December 2025).
- Humanitarian Law Center Kosovo, *Annual Report on War Crimes Trials: No Visible Progress* (2022) 313, available at <https://hlc-kosovo.org/storage/app/media/Kosovo%20Report%202022%20ALB%20SRB%20ENG.pdf> 9 (accessed on 9 November 2025).
- Humanitarian Law Center Kosovo, *Breaking the Silence* (Humanitarian Law Center Kosovo, 2024), available at: <https://hlc-kosovo.org/storage/app/media/Raporti%20vjetor%202024/Kosovo%20report%202024%20ALB%20SRB%20ENG.pdf> (accessed on 11 November 2025).
- Humanitarian Law Center Kosovo, *Indictments filed for war crimes in Kosovo January – June 2025* (2025), available at <https://hlc-kosovo.org/storage/app/media/buletin%20shator/HLCK-Newsletter-sep%202025.pdf> (accessed on 10 November 2025).
- Humanitarian Law Center Kosovo, Press release, *The First Verdict in Absence for War Crimes in Judicial Practice in Kosovo: A new Precedent and Challenges for Justice*, available at <https://hlc-kosovo.org/sq/media/komunikata-per-media/158/aktgjykimi-i-pare-ne-mungese-krimet-e-luftes-ne-praktiken-gjyqesore-ne-kosove-precedenti-i-ri-dhe-sfida-drejtisine> (accessed on 9 November 2025).
- International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171.
- Karas E, *Reopening of Proceedings in Cases of Trial in Absentia: European Legal Standards and Croatian Law (2018) EU and Comparative Law Issues and Challenges*, available at <https://ojs.srce.hr/index.php/eclic/article/view/7113/4604> (accessed on 20 December 2025).
- Kosovo Online, *Blakaj: Trials in Absentia have many shortcomings* (3 August 2025), available at <https://www.kosovo-online.com/en/news/society/blakaj-trials-absentia-have-many-shortcomings-3-8-2025> (accessed on 13 November 2025).
- Maleki v. Italy*, Communication No. 699/1996, UN Human Rights Committee, CCPR/C/66/D/699/1996, available at <https://hrlibrary.umn.edu/undocs/session66/view699.htm> (accessed on 20 December 2025).
- Mezyaev A, 'Trials in Absentia and the Modern International Criminal Procedure' (2023) *Moscow Journal of International Law* 80, available at [https://www.researchgate.net/profile/Alexander-Mezyaev/publication/370488771\\_Trial\\_in\\_absentia\\_and\\_the\\_modern\\_international\\_criminal\\_procedure/links/64ad17bec41fb852dd689a00/Trial-in-absentia-and-the-modern-international-criminal-procedure.pdf](https://www.researchgate.net/profile/Alexander-Mezyaev/publication/370488771_Trial_in_absentia_and_the_modern_international_criminal_procedure/links/64ad17bec41fb852dd689a00/Trial-in-absentia-and-the-modern-international-criminal-procedure.pdf) (accessed on 10 November 2025).
- Paulussen Ch, *Trials in Absentia of Foreign Freighters and their Families?*, International Center for Counter-Terrorism (2022), available at <https://icct.nl/publication/trials-absentia-foreign-fighters-and-their-families> (accessed on 8 November 2025).
- Schabas W, *The Customary International Law of Human Rights*, Oxford University Press (2021).
- Spernbauer M, 'EULEX Kosovo: The Difficult Deployment and Challenging Implementation' (2010) 11 *German Law Journal* 821, available at [https://www.researchgate.net/publication/46387850\\_EULEX\\_Kosovo\\_The\\_Difficult\\_Deployment\\_and\\_Challenging\\_Implementation\\_of\\_the\\_Most\\_Comprehensive\\_Civilian\\_EU\\_Operation\\_to\\_Date](https://www.researchgate.net/publication/46387850_EULEX_Kosovo_The_Difficult_Deployment_and_Challenging_Implementation_of_the_Most_Comprehensive_Civilian_EU_Operation_to_Date) (accessed on 10 November 2025).
- Stan A, *Remedies for the Trial in Absentia – The Recent Romanian Experiences (2020) EU and Comparative Law Issues and Challenges*, Series 650–669, available at <https://ojs.srce.hr/index.php/eclic/article/view/11920/5898> (accessed on 20 December 2025).
- Subotic J, *Hijacked Justice: Domestic Appropriation of International Norms* (2005) *Human Rights & Human Welfare*, Article 61, available at <https://digitalcommons.du.edu/hrhw/vol5/iss1/61/> (accessed on 10 November 2025).
- Tesija V, 'Croatian Trials in Absentia for War Crimes "Cause Concerns"' (Balkan Insight, 27 July 2023), available at <https://balkaninsight.com/2023/07/27/croatian-trials-in-absentia-for-war-crimes-cause-concerns/> (accessed on 10 November 2025).
- UN Human Rights Committee, 'General Comment No. 32: Right to equality before courts and tribunals and to a fair trial' (2007) UN Doc CCPR/C/GC/32.
- Venice Commission: *Kosovo, Opinion on certain provisions of the Draft Criminal Procedure Code*, namely trial in absentia (Art. 306) and suspension of officials from office (Art. 177), 19 June 2020, Strasbourg,

Opinion No. 985/2020, available at [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL\(2020\)019-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL(2020)019-e) (accessed on 20 December 2025).

Submitted: 31 January 2025    Accepted: 5 January 2026    Published: 7 January 2026

### TO CITE THIS ARTICLE:

Ahmeti, B., Szalai, A. 2025 Trials in Absentia for War Crimes in Kosovo: Accountability, Fair Trial Guarantees, and European Human Rights Standards. *Balkans Legal, Economic and Social Studies* 2(2):70-79. DOI: <https://doi.org/10.14232/bless.2025.2.70-79>

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*BLESS – Balkans Legal, Economic and Social Studies* is a peer-reviewed open access journal published by Western Balkans Centre.

The research and the e-journal were supported by the Humanities and Social Sciences Cluster of the Centre of Excellence for Interdisciplinary Research, Development and Innovation of the University of Szeged. The authors are members of the Western Balkans Center.