



### MIXED CRIMINAL COURTS AND LIMITS ON SOVEREIGNTY THE CASE OF THE SPECIALIST CHAMBERS OF KOSOVO

On September 10, 2024, the Appeal panel of the Specialist Chambers of Kosovo sentenced Salih Mustafa, former Kosovar liberation army commander, to 15 years of imprisonment, finding him guilty of war crimes, in particular acts of torture, cruel treatment, arbitrary detention and murder. For the same crimes, on July 16, 2024, the Trial Panel of the Chambers found guilty also Pjetër Shala, another member of the KLA, who was given an 18-year sentence.

This recent judicial activity of the Specialist Chambers of Kosovo represents an opportunity to analyse the functioning and the work of these tribunals in order to reach two specific objectives: to determine the legal nature of the Chambers - which were formally established as internal judicial organ but have a clear international character – and to verify whether from the establishment of these Courts can arise limits to the sovereignty of Kosovo.

In this perspective, the analysis on the legal nature of the Chambers become functional to the main objective of this article, that is to identify in the constitutive process of these courts, in their work or in general in the competences laid down in the founding instruments, limits or restrictions to the exercise of sovereign functions of Kosovo which could have an impact not only on the authority of the Kosovo institutions, but also on the legal capacity, that is to say on the statehood, of the Balkan country.