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KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

In: KSC-BC-2020-05

Before: The President of the Specialist Chambers
Judge Ekaterina Trendafilova

Registrar: Dr Fidelma Donlon

Date: 10 June 2020

Language: English

File name: Invoking a Change of Venue to the Host State

Classification: Confidential and *ex parte*

DECISION

Invoking a Change of Venue to the Host State

Invoking authority:

The President of the Specialist Chambers

Pre-Trial Judge:

Judge Nicolas Guillou

Specialist Prosecutor's Office:

Jack Smith

THE PRESIDENT of the Specialist Chambers (the “President”), acting pursuant to Article 3(6) and (8)(a) and (d) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (the “Law”), Article 3 of the Host State Agreement and Rule 82(3) of the Rules of Procedure and Evidence (the “Rules”), issues this decision on the change of venue to the Host State in respect of proceedings initiated under Article 38(4) of the Law and Rule 86 of the Rules for all proceedings and other related matters emanating therefrom.

I. PROCEDURAL BACKGROUND

1. On 1 January 2017, the *Agreement between the Kingdom of the Netherlands and the Republic of Kosovo concerning the Hosting of the Kosovo Relocated Specialist Judicial Institution in the Netherlands* (the “Host State Agreement”) entered into force.
2. On 14 February 2020, the Specialist Prosecutor notified the President of proceedings to be initiated pursuant to Article 38(4) of the Law and Rule 86(2) of the Rules of Procedure and Evidence (the “Rules”), and requested the assignment of a Pre-Trial Judge in accordance with Article 33(1)(a) of the Law.
3. On the same day, the President issued the “Decision Assigning a Pre-Trial Judge”,¹ in which she assigned Judge Nicolas Guillou to perform the functions of a Pre-Trial Judge with respect to the proceedings under Article 38(4) of the Law and Rule 86(2) of the Rules.²

II. APPLICABLE LAW

4. The President notes Article 3(6), and (8)(a) and(d) of the Law, Article 3 of the Host State Agreement, and Rule 82(3) of the Rules.

¹ KSC-BC-2020-05/F00001.

² KSC-BC-2020-05/F00001, pp. 2-3.

5. Article 3(6) of the Law states that “[t]he Specialist Chambers shall have a seat in Kosovo. As provided for through an international agreement with the Host State, the Specialist Chambers shall also have a seat in the Host State outside Kosovo [...]”.
6. Article 3 of the Host State Agreement states that “[t]he Kosovo Relocated Specialist Judicial Institution shall have a seat in the Host State”.
7. Article 3(8)(a) of the Law provides the President with the discretion to “invoke a change of venue to the Host State of a trial, any part of a trial or any particular stage or stages of the criminal process under the Law”, for the purposes of the “proper administration of justice and security”.
8. Article 3(8)(d) of the Law also states that “in the event of an invocation of a change in venue to the Host State the President [...] shall issue an administrative decision relocating the proceedings, or any part or phase thereof, to the Host State and shall order all necessary steps to give effect to this decision”.

III. LOCATION OF PROCEEDINGS

9. Taking into account the Specialist Prosecutor’s submission³, and his ongoing investigative activities, the President considers that the current security situation and the proper administration of justice necessitates a change of venue to the Host State. Such change of venue concerns proceedings carried out in this case under Article 38(4) of the Law, Rule 86 of the Rules, as well as all other proceedings and related matters emanating therefrom. This ensures the efficient, effective, safe and secure operation of these proceedings.

³ KSC-BC-2020-05/F00002, para. 3.

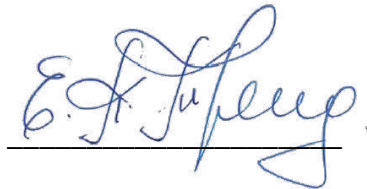
IV. CLASSIFICATION OF DECISION

10. Since the present decision refers to filings currently classified as confidential, and that investigations of the Specialist Prosecutor as well as proceedings before the Pre-Trial Judge remain confidential *ex parte*, this decision bears the same classification. The present decision may be reclassified at a later date, in accordance with Rules 82 to 84 of the Rules, if and when the reasons for their current classification cease to exist.

FOR THESE REASONS, THE PRESIDENT HEREBY

SETS the venue to the Host State for proceedings in this case carried out under Article 38(4) of the Law, Rule 86 of the Rules, as well as all other proceedings and related matters emanating therefrom; and

REQUESTS the Registrar to take any necessary steps to give effect to the present decision.



**Judge Ekaterina Trendafilova,
President of the Specialist Chambers**

Dated this Wednesday, 10 June 2020

At The Hague, the Netherlands.