



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

In: KSC-BC-2020-06

Before: The President of the Specialist Chambers
Judge Ekaterina Trendafilova

Registrar: Fidelma Donlon

Date: 21 September 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

Pre-Trial Judge:
Judge Nicolas Guillou

Specialist Prosecutor's Office:
Jack Smith

THE PRESIDENT of the Specialist Chambers (“President”), acting pursuant to Articles 3(6) and (8)(a) and (d) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”), Article 3 of the Host State Agreement¹ and Rule 82(3) of the Rules of Procedure and Evidence (“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 23 April 2020, the Specialist Prosecutor notified the President in accordance with Rule 86(1) of the Rules, of proceedings to be initiated in accordance with Article 38(4) of the Law and Rule 86(2) of the Rules, and requested the assignment of a Pre-Trial Judge in accordance with Article 33(1)(a) of the Law.
2. On the same day, the President assigned Judge Nicolas Guillou as Pre-Trial Judge in the present case.²

II. LOCATION OF PROCEEDINGS

3. Taking into account the Specialist Prosecutor’s submissions³ 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

¹ 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, 1 January 2017 (Host State Agreement).

² F00001, Decision Assigning a Pre-Trial Judge, 23 April 2020 (confidential).

³ F00002, para. 4.

emanating therefrom. This ensures the efficient, effective, safe and secure operation of these proceedings.

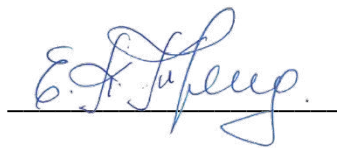
III. CLASSIFICATION OF DECISION

4. Since the present decision refers to filings currently classified as confidential, and the 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 Monday, 21 September 2020

At The Hague, the Netherlands.