

Pursuant to the Instruction of the President in KSCPR-2018/CRSPD1, dated 28/09/2020, this filing has been reclassified as PUBLIC  
As per order in KSC-BC-2020-7/F00001, this filing is cross-filed

29/05/2018

KSC-BC-2020-07/F00002/1 of 4



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEÇA KOSOVA

**In:** KSCPR-2018

**Before:** The President of the Specialist Chambers  
Judge Ekaterina Trendafilova

**Registrar:** Dr Fidelma Donlon

**Date:** 29 May 2018

**Language:** English

**File name:** Judicial Administration File for 2018

**Classification:** Strictly Confidential and *Ex Parte*

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**DECISION**

**on the Specialist Prosecutor's Invocation of Change of Venue under Article 3(8)(a)  
of the Law**

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**Invoking authority:**

Acting Specialist Prosecutor

**THE PRESIDENT** of the Specialist Chambers (the “President”), being seised of an invocation of a change of venue and a request for assignment of a Single Judge by the Acting Specialist Prosecutor, herewith and in accordance with Article 3(8)(d) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (the “Law”) decides on the location of proceedings in respect of the requested assignment of a Single Judge to consider a forthcoming request for judicial authorisation and all related matters.

## 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 29 May 2018, pursuant to Article 3(8)(a) of the Law, the Acting Specialist Prosecutor invoked a change of venue to the Host State in respect of his request for the assignment of a Single Judge to consider a forthcoming judicial authorisation request and all related matters (the “Invocation of Change of Venue”).

## II. APPLICABLE LAW

3. 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 [...]”.
4. Article 3 of the Host State Agreement states that “[t]he Kosovo Relocated Specialist Judicial Institution shall have a seat in the Host State”.
5. Article 3(8)(a) of the Law authorizes the President, the Specialist Prosecutor, Specialist Counsel or Victims’ Counsel, for reasons of the proper administration of

justice or security, to invoke, at their discretion, 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.

6. Article 3(8)(d) of the Law 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

7. In accordance with Article 3(8)(a) of the Law, a change of venue is invoked for proceedings in respect of the requested assignment of a Single Judge to consider a forthcoming request for judicial authorisation and all related matters.

8. The President notes that imperative considerations of security require that the venue of such proceedings be in the Host State in order to ensure the efficient, effective and secure operation of these proceedings.

### IV. CLASSIFICATION OF DECISION

9. The Acting Specialist Prosecutor submits that, pursuant to Rule 82(1) of the Rules, the Invocation of Change of Venue is classified strictly confidential and *ex parte*, as it relates to the confidential investigations of the Specialist Prosecutor's Office. For the same reason, this decision bears the same classification. Both the Invocation of Change of Venue and this 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 apply.

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**FOR THESE REASONS, THE PRESIDENT HEREBY**

**SETS** the venue to the Host State for proceedings in respect of the requested assignment of a Single Judge to consider a forthcoming request for judicial authorisation and all related matters; 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 Tuesday, 29 May 2018

At The Hague, the Netherlands.