



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA KOSOVA

In: KSC-BC-2023-11

Before: The President of the Specialist Chambers
Judge Ekaterina Trendafilova

Registrar: Fidelma Donlon

Date: 22 November 2023

Language: English

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

Classification: Strictly confidential and *ex parte*

DECISION

Invoking a Change of Venue to the Host State

Pre-Trial Judge:
Judge Nicolas Guillou

Specialist Prosecutor:
Kimberly P. West

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 20 November 2023, the Specialist Prosecutor notified the President in accordance with Rule 86(1) of the Rules in respect of an indictment to be filed, and requested the assignment of a Pre-Trial Judge in accordance with Article 33(1)(a) of the Law.
2. On 20 November 2023, the President assigned Judge Nicolas Guillou as Pre-Trial Judge in the present case.²
3. On the same day, the Specialist Prosecutor’s Office filed the “Submission of Indictment for Confirmation and Related Requests with Strictly Confidential and *Ex Parte* Annexes 1-3” (“Indictment”),³ wherein it, *inter alia*, “invoke[ed] a change of venue to the Host State in respect of this and all future stages of proceedings arising from or related to the Indictment”.⁴

II. LOCATION OF PROCEEDINGS

4. Taking into account the Specialist Prosecutor’s submissions, the President considers that the current security situation and the proper administration of justice

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.

² F00001, Decision Assigning a Pre-Trial Judge, 20 November 2023 (confidential).

³ F00002, Submission of Indictment for Confirmation and Related Requests with Strictly Confidential and *Ex Parte* Annexes 1-3, 20 November 2023 (strictly confidential and *ex parte*).

⁴ Indictment, para. 5.

necessitates a change of venue to the Host State. Such change of venue concerns proceedings 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.

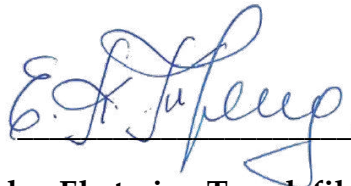
III. CLASSIFICATION OF DECISION

5. Since the present decision refers to filings currently classified as strictly confidential, and the investigations of the Specialist Prosecutor's Office 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(5) of the Rules, if and when the reasons for their current classification cease to exist.

FOR THESE REASONS, THE PRESIDENT HEREBY

DECIDES that the Host State shall be the venue 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, 22 November 2023

At The Hague, the Netherlands.