



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

In: No. KSC-CC-2017-02

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

Registrar: Dr Fidelma Donlon

Date: 12 April 2017

File name: Invocation of change in venue to the Host State for the Specialist Chamber of the Constitutional Court

Public

Decision on the Location of Proceedings Before the Specialist Chamber of the Constitutional Court for the Review of the Rules of Procedure and Evidence Pursuant to Article 19(5) of the Law

Invoking authority:

The Presiding Judge of the Specialist Chamber of the Constitutional Court

THE PRESIDENT of the Specialist Chambers (the “President”), being seized with an invocation of a change of venue to the Host State by the Presiding Judge of the Specialist Chamber of the Constitutional Court (the “SCCC”), herewith and in accordance with Article 3(8)(d) of the Law on Specialist Chambers and Specialist Prosecutor’s Office (the “Law”) decides on the location of the proceedings before the SCCC for the review of the Rules of Procedure and Evidence (the “Rules”) pursuant to Article 19(5) of the Law.

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 17 March 2017, the Rules were adopted by the Specialist Chambers Judges sitting in Plenary (the “Plenary”), except for the Judges of the SCCC.
3. On 27 March 2017, the President, pursuant to Article 19(5) of the Law, referred the Rules adopted by the Plenary to the SCCC.¹
4. On the same day, pursuant to Article 33(3) of the Law, the President assigned a Constitutional Court Panel to review the Rules in order to ensure their compliance with Chapter II of the Constitution of the Republic of Kosovo.²
5. On 30 March 2017, pursuant to Article 3(8)(c) of the Law, the Presiding Judge of the SCCC invoked a change in venue to the Host State.³

¹ Referral of the Rules of Procedure and Evidence to the Specialist Chamber of the Constitutional Court, President, File No. KSC-CC-PR-2017-01, 27 March 2017.

² Decision to Assign Judges to a Constitutional Court Panel of the Specialist Chambers, President, File No. KSC-CC-PR-2017-01, 27 March 2017.

³ Memorandum, Specialist Chamber of the Constitutional Court, File No. KSC-CC-2017-02, 30 March 2017.

II. APPLICABLE LAW

6. 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 [...]”.

7. Article 3 of the Host State Agreement states that “[t]he Kosovo Relocated Specialist Judicial Institution shall have a seat in the Host State”.

8. Article 3(8)(c) of the Law authorizes the Presiding Judge of the Specialist Chamber of the Constitutional Court, for reasons of the proper administration of justice or security, to invoke, at his or her discretion, a change of venue to the Host State for the SCCC, so that it sits, deliberates and receives filings and submissions at the seat of the Specialist Chambers in the Host State.

9. 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

10. In accordance with Article 3(8)(c) of the Law, a change of venue is invoked in relation to specific proceedings for the review of the Rules currently before the SCCC.

11. The President notes that the proper administration of justice requires that the venue of these proceedings before the SCCC for the review of the Rules be in the Host State in order to ensure the efficient, effective and secure operation of these proceedings.

FOR THESE REASONS, THE PRESIDENT HEREBY

sets the venue for the proceedings before the Specialist Chamber of the Constitutional Court for the review of the Rules of Procedure and Evidence pursuant to Article 19(5) of the Law to the Host State so that it sits, deliberates, receives and issues filings and submissions at the seat of the Specialist Chambers in the Host State; and

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

A handwritten signature in black ink, appearing to read 'E. Trendafilova', written in a cursive style.

Judge Ekaterina Trendafilova,
President

Dated this Wednesday, 12 April 2017

At The Hague, The Netherlands