INTERNATIONAL RESIDUAL MECHANISM FOR CRIMINAL TRIBUNALS

Case No: MICT-17-112-ES.3

Date: 16 June 2021

PRESIDENT OF THE MECHANISM

In Case

PROSECUTOR

v.

BRUNO STOJIĆ

PUBLIC

BRUNO STOJIĆ’S SUBMISSIONS PURSUANT TO PARAGRAPH 13 OF THE PRACTICE DIRECTION ON THE PROCEDURE FOR THE DETERMINATION OF APPLICATIONS FOR PARDON, COMMUTATION OF SENTENCE OR EARLY RELEASE

The Office of the Prosecutor

Mr. Serge Bramertz

Pro bono counsel for Bruno Stojić

Ms. Senka Nožica
1. Bruno Stojić files this motion pursuant to paragraph 13 of the Practice Direction on the Procedure for the Determination of Applications for Pardon, Commutation of Sentence, or Early Release of Persons Convicted by the ICTR, the ICTY or the Mechanism ("Practice Direction").


3. On 3 June 2021 his Pro bono counsel, Ms. Senka Nožica, received via e-mail a letter with attachments ("3 June 2020 Letter") from Officer-in-Charge of Registry, addressed to Stojić. The hard copy of the letter and the attachments thereto have been sent to Stojic via mail and he received it on 8 June 2020.

4. Pro bono counsel was in communication with Stojić since and acting upon his instructions files this motion, which integral part is his letter addressed to the President attached herewith as Annex A. While fully respecting the confidential status of documents as per instructions from the 3 June 2020 Letter and paragraph 18 of the Practice Direction, Stojić will not make any reference to the documents provided to him which could in any way jeopardise confidentiality thereof and will refer to them as they were marked by letters in the 3 June 2020 Letter. It is Stojić's intention to make public all of his submissions related to application for early release.

5. Responding in turn to documents attached to the 3 June 2020 Letter, Stojić will firstly address those marked as a) therein.

6. Stojić notes that neither of those are his personal accounts and represent views expressed by third parties including high ranked officials with whom he has neither official nor personal

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2 Stojić notes that documents under a) are media reports provided by the External Relations office, while b) and c) are public redacted versions of the Memorandum provided by the Office of the Prosecutor ("Memorandum") but will nevertheless endeavour not to refer to the substance therein insofar as practicable possible.
links or relationship. Consequently, any reference made to medals and commendations should be treated as if they had no impact on Stojić’s application for early release.

7. In regard to discussion on the place where Stojić (and others from Prlić et al) could serve his prison sentence, it is important to note that the President of the Mechanism at the time ordered that Stojić serves his sentence in Republic of Austria on 26 January 2018. However, on 14 December 2017 Stojić was notified by the Office of the Registrar that the Republic of Austria had indicated its preliminary willingness to enforce his sentence. Stojić immediately responded and accepted to serve his sentence in the Republic of Austria. Therefore, Stojić never questioned that he should serve his sentence at the place suggested by the Registry nor he objected to the President’s Order. Therefore, any reports on that issue are without any bearings on Stojić’s application for early release as Stojić accepted to be transferred to the Republic of Austria even before the reports were published. Similarly, reports on possible request for review are irrelevant as Stojić never considered filing such request.

8. Reference to visit of an official in 2019 as noted in one of the reports is identically irrelevant as the visit, as it could be surely seen from the records at the prison where Stojić serves his sentence, was a private visit. Stojić and the official in question were born in the same region and grew up together. Moreover, that individual has long been out of the politics and does not hold any political position, which in itself eliminates any significance the visit could have on the decision on Stojić’s application for early release.

9. All remaining reports under a) are related to Stojić’s application for early release, which was filed as a public document. Therefore, there is no need to address those reports in any specific way as they could be considered irrelevant.

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3 Documents provided by the External Relations Office, pages 1-2 and 7-8.
4 Ibid, pages 2-7 and 9-10.
5 Order Designating State in which Bruno Stojic is to Serve his Sentence, 26 January 2018.
6 Documents provided by the External Relations Office, pages 8-11.
7 Ibid, pages 11-12.
10. Documents under b) an c) are public redacted versions of the Memorandum and Stojić’s submissions are as follows.

11. Gravity of crimes for which Stojić was found guilty and sentenced to 20 years in prison is something that he never disputed. Quite a contrary, in his application for provisional release he underlines that he is fully aware of them and accepted them as such. He reiterated the same stand in his letter to the President. Stojić has no doubts whatsoever that the President will assess the gravity of the crimes in a proper way and in conjunction with all other criteria relevant to early release.

12. Stojić’s rehabilitation is another matter raised in aforesaid documents. In that regard, Pro bono counsel refers to Stojić’s letter to the President. Stojić expressed his personal views in that letter and contrary to the Memorandum, it could be said with certainty that he has shown significant signs of rehabilitation underlined in more detail in his letter, which, together with this motion, is filed as a public document. It is not correct that Stojić rests his arguments on rehabilitation solely on his good behaviour in the prison. The opposite is the true as it could be concluded from his letter. There is no need to repeat what he has written to the President as the latter is attached herewith.

13. Furthermore, paras. 8. – 9. of the Memorandum refer to certain parts of Stojić’s application for provisional release regarding signs of rehabilitation. Incorrect is the reasoning in the Memorandum that all the arguments from the application for early release related to his rehabilitation have already been considered by the Chambers and, therefore, should not be taken into account in assessing the present application. Stojić’s argument is the opposite and the fact that three high ranked officers of the Army of Bosnia and Herzegovina (including Bosniac generals Hamid Bahto and Nedžad Čengić) testified that months after the Joint Criminal Enterprise he was member of had been formed, Stojić himself provided armaments to their Army. Their testimonies, consequently, should not be adjudged in the terms of their impact on the Judgements as mitigating or aggravating factors but specifically as an undisputed evidence that

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Stojic is capable of rehabilitation. In conjunction with other evidence, it is reasonable to conclude that Stojic was not only capable of but has now reached the degree of rehabilitation required that his application for early release could be granted.

14. Stojic cannot make any comments on the paras. 12. – 14. of the Memorandum as no information in connection with such comments was provided to him. Nevertheless, Stojic is confident that if such information is indeed available to the President, it will be assessed in the light of the arguments in his application for early release, this motion and, in particular, his letter including the fact that Stojic will reside far from the places where crimes from the Judgement occurred.

15. As it is noted in his application for early release, Stojic does not object to any measures imposed by the President granting the early release in other cases when the applicants served two-thirds of their sentences. His stand, therefore, on that matter remains unchanged and it is his response to para. 16. of the Memorandum.

16. Stojic reviewed paras. 18. and 19. of and Annexes A – D to the Memorandum and notes that all of them could only be assessed in the light of the conduct of the Republic of Croatia in situations when they issued guarantees on the occasions when Stojic (and other accused from Prlic et al) were on provisional release before, during and after the trial. Neither a single incident occurred nor Republic of Croatia ever breached any of undertakings from guarantees issued for each of the accused. Stojic and his co-accused were on provisional release on numerous time and Republic of Croatia issued hundreds of guarantees, which were all fully complied with.

17. Republic of Croatia was never mentioned as an obstacle to the implementation of judgements of international tribunals. No reasonable conclusion could be made that the Republic of Croatia would act differently if Stojic’s application for provisional release is granted.

18. A communication from the Austrian Federal Ministry of Justice marked as d) in the 3 June 2021 Letter confirms that everything Stojic stated in his application for early release and letter to
the President is accurate. His acceptance of his role during the war and the judgement were specifically noted as well as positive assessment of his prospects to successfully integrate into society. Stojić is assessed as inconspicuous and mentally stable, which is very much in line with his statement that he would completely refrain from public life and devote himself to his family.

19. Moreover, recommendation noted in the aforesaid communication, underlines that Stojić rationalises his trial and conviction.

20. While the final decision is, of course, solely with the President, it is also worth it to note that Stojić is recommended for the early release by the Austrian authorities, which were certainly in a position to assess his behaviour and attitude since June 2018.

21. Pro bono counsel respectfully requests that this motion together with its Annex A are taken under consideration as Stojić’s submissions to the documents provided to him pending his application for early release. Stojić remains at the President’s disposal for any additional comments if deemed necessary.

Word count: 2271

Respectfully submitted on 16 June 2021

Pro bono counsel for Bruno Stojić
Ms. Senka Nožica

11 Apart from an inadvertent mistake on page 11, where it is noted that Stojić was found guilty for genocide, which is obviously incorrect.
12 A communication from the Austrian Federal Ministry of Justice, page 4.
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UL. MARŠALA TITA br. 50/IV
BIH-71000 SARAJEVO
BOSNA I HERCEGOVINA

FAX: +387 33 412 123
e-mail: senka.nozica@anr.ba

Подложна гда. Ноцик,
Салем вам мојим изјавам, па вас молим да сада
прекохите с подучевам које ја одгото
у Ден Хааг.

с пожалованием,
стеац Brnđo
MEĐUNARODNI REZIDUALNI MEHANIZAM ZA KRIVIČNE SUĐOVE

Postovani Prejednice,

Zeli hibam nam ne majhniži zahvaliti ma prilici da nam re olavitim i u jedno izjasnim mo dokumente koje mi je ured Registra dostaviti uziku doprino od 03. 06. 2021. g.

Zemlje hib da ovo pismo sagledate zajedno s podnesbom uz koji će biti podnesen i koji podnesebi će prema mojim uputama biti javni dokument i kao takav biti dostupan svima koji za moga izveštaj sinteresiraju. Takvo odluku raz domni nemamo zbog toga što postoje žalbe magacinskih predvrata pravila, već isključivo s namjerom da ne samo što imam nedu bi se bio javno dostupni dokument.

Ne istovjetni, razloge je i moj zahetje za sami pristup javni dokument.

Potpuno svjestan težine te odluke te boje sam oglašen kriminali i osuđen na dugotrajnu kaznu zatvora, zelim pomenuti da priznačim svoje odgovornost i izražavam najispremenićæ zahetje u potpunosti i bezuvjetno. Do kraja života cu posviti ovoj kriminali da sam mogao i moral uciniti mnogo više da se osigura prestonica ludobog dijuktesa i spriječiti neiznena potvo zdravo i njihovih obitelji koje se nose u presudi kojom sam oglašen kriminal.

Nikada se nisam smešteno nekam što bi moago imati bilo kakve zle namjetre prema prpadnim drugih narada u i von Bosne i Hercegovine i uviđam nam se trudio da prema drugima imam odnos kakav bi zelo do omu imaju premo meni. Neupitno je da u tome nismo zle potpunosti mislio i što za vrijeme relevantno za presudi kojom sam oglašen kriminal. Mogu imenito, da sam situatio svoje pogreške i da je moj odnos prema zahtjecima kao
2.

moj većim žalovanju toko pun osećanja i da teritorijalni integritet i mećavnost Bosne i Hercegovine moraju biti nemjerljava. Iako je to 
mučilo mnogi u principu na kojem polju. Sada se sada snažno održava u Bosni i Hercegovini i to je 

Iako se iz presude došlo sam osećaju zanimanja, može se do godinu do niza deset godina, 

zašto je teško staviti članove noromani 

da sam uveo iz tih razloga i neveo do sada 

situacije svoje pogledove i da ne moja rezervacija 

drugacije od omlad u sadašnjem periodu. O tome 

da sam i namijenjen ne samo i uveo iz osećanja, 

iznenađenje ovako će snažno je zanimalo i 

iznimajući da bismo Muslimovima je već bilo 

dozvoljeno u svojoj osećanju je imao 

doprinos u dugotrajnijoj procesu nezabojnosti cije 

kroz koji sam pravdo i osećalo i iz velebim 

ponosno moje može biti osećaju i doja i u sada 


Kao što je mimo rezervu tamo i ovej 

zabojnosti za ranije prilikom, nemom poreklim 

zabojnosti problema i istakno se mandam 

do da iz vastki razumevanje bili u prilikom 

do se pridruživ svojoj obitelji i zajedno so 

muški muškovanin život bez bilo kojeg javnog 

astojanja i bilo kojeg ni najmanje 

zabojnosti činjenice uživatnik prema 

međusobnih osećanjima se snažne i sada u 

Bosni i Hercegovini.
želim također napomenuti da se u potpunosti složem smovodima moje braniiteljice i da mu uz dogovor izvornici podjelu o tome na boji dij dostavljeni novi dokumento ču se osobno izjaviti, a boji će biti predmetom podneška uz boji pridruženom ovo izjavitu.

S poštovanjem,

Štojic Bruno

Dear Mrs. Nožica,

I am sending you my statement and kindly ask you to attached it with the motion you will be sending to The Hague.

Sincerely Yours

Stojić Bruno
(signature)
INTERNATIONAL RESIDUAL MECHANISM FOR CRIMINAL TRIBUNALS

Dear President,

I would firstly want to thank You for the opportunity to address You and at the same time to respond to documents, which the Office of the Registrar send to me with their letter of 3 June 2021.

I would kindly ask You to consider this letter together with the motion with which will be filed and which motion under my instruction will be a public document and as such available to everyone who express their interest. I made such decision not only because the rules provide that but exclusively with the aim that anything I have to say is part of documents available to public. My application for early release was for the same reasons filed as a public document.

Fully aware of the gravity of crimes for which I was found guilty and sentenced to long term imprisonment, I want to underline again that I accept my responsibility and express the sincerest remorse completely and unconditionally. I will to the rest of my life live with the guilt that I could have and should have done much more to secure the respect of human dignity and prevent the unspeakable suffering of victims and their families as noted in the Judgement by which I was found guilty.

I never considered myself as someone who could have any bad feelings towards members of the other nations in and out of Bosnia and Herzegovina and I always tried to behave towards others in a way they would behave towards me. It is unquestionable that I did not succeed entirely in that at the time relevant for the Judgement by which I was found guilty. I think, however, that I realise my mistakes and that my feelings towards Bosniacs as the biggest victims of the war are full of respect and that territorial integrity and independence of Bosnia and Herzegovina must be undoubted. Similarly, unquestionable is that Bosnia and Herzegovina must be founded on the principles of the European Union, which member, I hope, it will become. I sincerely hope that my publicly expressed acceptance of the responsibility and remorse could be a contribution to ever so needed reconciliation between peoples of Bosnia and Herzegovina and the region.

Although from the Judgement by which I was found guilty, one could conclude that I did not consistently take such stand, I want to emphasise that for those exact reasons I stated that I realise my mistakes and that my thinking is now different from that from the war period. A significant parts of my application for early release are devoted to the fact that I, not only in this statement, expressed regret and remorse with apologises to Muslim victims

Years long rehabilitation process in the prison together with the great help of my closest family, who unreservedly share my views, contributed to my stand expressed in this statement.

I did not mention my health specifically in my application for the early release as I do not have any particular health problems and I sincerely hope that with Your understanding I shall have an opportunity to join my family and together with them continue my life without any public engagement and without any kind of even the smallest attempt to revise the facts adjudicated by the International Criminal or courts in Bosnia and Herzegovina.
I also want to note that I fully concur with my Counsel with whom I agree on how we would divide the response, namely to which documents I would personally respond and which of those will be subject of the motion with which this statement will be submitted.

Sincerely Yours

Stojić Bruno

(signature)

Graz, 15 June 2021
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