

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 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”).¹
2. On 25 August 2020 Stojić filed his Application for Early Release.
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.² 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

¹ MICT/3/Rev. 3, 15 May 2020.

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 commendations³ 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,⁴ 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 2018.⁵ 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.⁶

8. Reference to visit of an official in 2019 as noted in one of the reports,⁷ 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,⁸ 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.

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.

⁸ Ibid, pages 12-15.

10. Documents under b) and 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.⁹ 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.¹⁰ 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 Bahtić 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

⁹ Annex A, page 1.

¹⁰ Ibid, pages 1-2.

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

14. Stojić 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, Stojić 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 Stojić will reside far from the places where crimes from the Judgement occurred.

15. As it is noted in his application for early release, Stojić 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. Stojić 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 Stojić (and other accused from Prlić *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. Stojić 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 Stojić'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 Stojić stated in his application for early release and letter to

the President is accurate.¹¹ 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 stabile,¹² which is very much in line with his statement that he would completely refrain from public life and devote himself to his family.

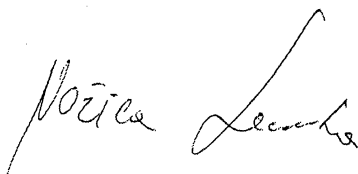
19. Moreover, recommendation noted in the aforesaid communication, underlines that Stojić rationalises his trial and conviction.¹³

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.

¹³ Ibid, page 7.

ANNEX

A

ADVOKATICA' SENHA NOŽICA
UL. MARŠALA TITA br. 50/IV
B&H-71000 SARAJEVO
BOSNA I HERCEGOVINA

Graz, 15.6.2021.g

FAX: +387 33 411 123

e-mail: senha.nozica@anp.ba

Poštovana gđa. Nožica,
Šaljem vam moju izjavu, pa vas molim da istu
priložite s podneskom kojega šaljete
u Den Haag.

s poštovanjem,
Stojic Bruno

MEĐUNARODNI REZIDUALNI MEHANIZAM ZA KRIVIČNE SUDOVE

Poštovani Presjedniče,
 želim vam se najprije zahvaliti na prilici
 da vam se obratim i ujedno izjasnim na dokumente
 koje mi je Ured Registra dostavio uz njihov dopis
 od 03. 06. 2021. g.

Zamolio bih da ovo pismo sagledate zajedno s
 podneskom uz koji će biti podneseno i koji
 podnesak će prema mojim uputama biti javni
 dokument i kao takav biti dostupan svima
 koji za njega iskažu zainteresiranost. Takvu
 odluku sam donio ne samo zbog toga što
 postoji takva mogućnost predviđena pravilima,
 već isključivo s namjerom da sve ono što imam
 ne bi bilo dio javno dostupnih dokumenata.
 Iz istovjetnih razloga je i moj zahtjev za
 namjere puštanje javni dokument.

Potpuno svjestan težine djela za koje sam oglašem
 krivim i osuđen na dugotrajnu kaznu zatvora,
 želim ponoviti da prihvaćam svoju odgovornost
 i izražavam najiskrenije žaljenje u potpunosti
 i bezuvjetno. Da moja života ću morati otići
 krivim da sam mogao i morao učiniti mnogo
 više da se osigura poštovanje ljudskog
 dostojanstva i spriječi neizrecivo patnja žrtava
 i njihovih obitelji koje se novode u presudi
 kojom sam oglašem krivim.

Nikada se nisam smatrao nekim tko bi mogao
 imati bilo kakve zle namjere prema pripadnicima
 drugih naroda u i van Bosne i Hercegovine
 i uvijek sam se trudio da prema drugima
 imam odnos kakav bi želio da oni imaju
 prema meni. Neipitno je da u tome nisam u
 potpunosti uspio i što za vrijeme relevantno za
 presudu kojom sam oglašem krivim. Mislim,
 međutim, da sam shvatio svoje pogreške
 i da je moj odnos prema Bošnjacima kao

2.

mojucim žrtvama pošto sam upoznao i da
teritorijalni integritet i neovisnost Bosne i
Hercegovine moraju biti neupitni. Istovremeno
nemritno je da Bosna i Hercegovina mora biti
uključena na principima na kojima počiva
Evropska unija, čiji će član, nadam se i postati.
Preteno se nadam da moje javno iskazano prihvatanje
odgovornosti i zadržanje mogu biti doprinos
takođe potrebnom pomirenju naroda u
Bosni i Hercegovini i regiji.

Iako se iz presude bojom sam ograđen brzinom,
može doći do zabljucanja da nisam dostigao
zamislivo takav stav, čelini moram reći
da sam upravo iz tih razloga imao da sam
shvatio svoje pogreške i da su moja razmišljanja
drugačija od onih iz ratnog perioda. O tome
da sam i namije, a ne samo u ovom izjašnjenju,
između stavova o ovom bojanju i zadržanju uz
izjašnjenje žrtvama Muslimanima, je već bilo
dosta govora u mojoj molbi za namije prihvatanje
stavi izmecenom u ovom izjašnjenju je imao
doprinos i dugogodišnji proces rehabilitacije
kroz koji sam prošao u zatvoru a i uz veliku
pomoc moje najbliže obitelji koja bez bilo
kakve rezerve dijeli moje poglede.

Kao što se nisam posebno spominjao u ovom
izjašnjenju za namije prihvatanje, nisam posebnim
zabavstvenim problemima i iskreno se nadam
da ću uz vaše razumijevanje biti u prilici
da se pridružim svojoj obitelji i zajedno sa
njima nastavim život bez bilo kakvog javnog
angažiranja i bilo kakvog mi najmanjeg pokušaja
povraćanja činjenica utvrdjenih prethodno
međunarodnih krivičnih ili sudova u Bosni
i Hercegovini.

- 3 -

želim također napomenuti da se u potpunosti složem s navodima moje braniteljice i da smo uz dogovor izvršili podjelu o tome na koji dio dostavljenih nam dokumenata ću se osobno izjasniti, a koji će biti predmetom podneska uz koji prilažem ovo izjašnjenje.

S poštovanjem,
Stojic' Bruno
mlt

Groz, 15.6.2021.

ADVOCATE SENKA NOŽICA
Maršala Tita no. 50/IV
B-H - 71000 Sarajevo
Bosnia and Herzegovina

Graz, 15 June 2021

FAX: +387 33 411 123
e-mail: senka.nozica@anp.ba

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 apologies 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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