UNITED NATIONS

International Residual Mechanism for Criminal Tribunals

Case No.: MICT-16-98-ES

Date: 16 November 2026

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THE PRESIDENT OF THE MECHANISM

Before: **Judge Graciela Gatti Santana, President**

Registrar: **Mr. Abubacarr M. Tambadou**

Decision of: **16 November 2026**

PROSECUTOR

v.

DRAGOMIR MILOŠEVIĆ

PUBLIC REDACTED

DECISION ON THE APPLICATION FOR EARLY RELEASE OF DRAGOMIR MILOŠEVIĆ

Counsel for Mr. Dragomir Milošević:

Mr. Novak Lukić

Republic of Estonia

1. I, Graciela Gatti Santana, President of the International Residual Mechanism for Criminal Tribunals ("President" and "Mechanism", respectively), am seised of a notification from the Republic of Estonia ("Estonia"), filed on 3 July 2026, informing the Mechanism that Mr. Dragomir Milošević ("Milošević") is eligible to be considered for release from prison on parole under Estonian law ("Application").[1]

I. BACKGROUND

2. Milošević surrendered voluntarily and, on 3 December 2004, was transferred to the United Nations Detention Unit in The Hague, Kingdom of the Netherlands ("Netherlands").[2] At his initial appearance before the International Criminal Tribunal for the former Yugoslavia ("ICTY") on 7 December 2004, Milošević pleaded not guilty to all charges against him.[3]

3. On 12 December 2007, Trial Chamber III of the ICTY found Milošević guilty, pursuant to Article 7(1) of the Statute of the ICTY ("ICTY Statute"), of the crime of terror as a violation of the laws or customs of war, and murder and inhumane acts as crimes against humanity, and sentenced him to 33 years of imprisonment.[4]

4. On 12 November 2009, the Appeals Chamber of the ICTY, *inter alia*: (i) set aside Milošević's convictions for certain crimes; (ii) replaced his convictions with respect to certain crimes under Article 7(1) of the ICTY Statute with convictions pursuant to Article 7(3) of the ICTY Statute; and (iii) reduced his sentence to 29 years of imprisonment.[5]

5. On 22 March 2011, Milošević was transferred to Estonia to serve the remainder of his sentence.[6]

6. Milošević has been denied early release on three previous occasions. On 29 July 2020, my predecessor denied Milošević early release on the basis that he had not yet served two-thirds of his sentence and no compelling or exceptional circumstances justified his release before reaching the eligibility threshold for early release.[7] On 13 December 2024, I denied Milošević's direct petition for

[1] Notification on the Initiation of Conditional Early Release Proceedings, 3 July 2026.
[2] *See Prosecutor v. Dragomir Milošević*, Case No. IT-98-29/1-T, Judgement, 12 December 2007 ("Trial Judgement"), paras. 3, 1009.
[3] Trial Judgement, para. 3; *Prosecutor v. Dragomir Milošević*, Case No. IT-98-29/1-T, Transcript of 7 December 2004, pp. 8-11.
[4] Trial Judgement, paras. 1006, 1008.
[5] *Prosecutor v. Dragomir Milošević*, Case No. IT-98-29/1-A, Judgement, 12 November 2009, p. 144.
[6] *See* Decision on the Early Release of Dragomir Milošević, 29 July 2020 ("Decision of 29 July 2020"), p. 1. *See also Prosecutor v. Dragomir Milošević*, Case No. IT-98-29/1-ES, Order Designating State in Which Dragomir Milošević is to Serve his Sentence, 14 February 2011, pp. 1-2.
[7] Decision of 29 July 2020, p. 4.

early release, having concluded that significant factors militated against his early release, including the high gravity of his crimes and his failure to demonstrate sufficient signs of rehabilitation, and having found no evidence establishing the existence of compelling humanitarian grounds that would warrant overriding this negative assessment.[8] On 5 December 2025, I denied Milošević's direct petition for early release on humanitarian grounds, having found that Milošević had failed to demonstrate the existence of such grounds.[9]

II. APPLICATION

7. On 3 July 2026, the Estonian authorities wrote to inform the Mechanism that, under Estonian law, Milošević is eligible to be considered for release from prison on parole as of 20 August 2026.[10]

8. On 8 July 2026, I requested the Estonian authorities to provide the information enumerated in paragraphs 10(a) through 10(c) of the applicable Practice Direction.[11]

9. On 15 September 2026, I received the requested information from the Estonian authorities.[12] The authorities also confirmed that, if released early, Milošević's intention is to reside in [REDACTED], Serbia.[13]

10. On 17 September 2026, I communicated, through the Estonian authorities, to Milošević, in accordance with paragraph 12 of the Practice Direction, the material collected in the context of the Application.[14]

11. On 29 September 2026, Milošević sent me his submissions regarding the material transmitted to him in relation to the Application.[15]

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[8] Decision on the Application for Early Release of Dragomir Milošević, 13 December 2024 (public redacted) ("Decision of 13 December 2024"), paras. 90-91.
[9] Decision on the Application for Early Release of Dragomir Milošević, 5 December 2025 (public redacted) ("Decision of 5 December 2025"), p. 5.
[10] Application, Registry of the Mechanism ("Registry") Pagination 528.
[11] Letter from the President to the Ambassador of Estonia to the Netherlands, dated 8 July 2026 (confidential), p. 1. *See* 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, MICT/3/Rev.4, 1 July 2024 ("Practice Direction").
[12] Letter from the Estonian Ministry of Justice and Digital Affairs, dated 15 September 2026, *transmitting* a summary prepared by the [REDACTED] prison authorities regarding Milošević's early release proceedings, dated 4 August 2026 ("Prison Report").
[13] Prison Report, p. 1.
[14] *Note verbale* from the Mechanism to the Embassy of Estonia to the Netherlands, dated 17 September 2026, *transmitting* a letter from the *Chef de Cabinet* and Principal Legal Advisor to the President to Milošević, dated 17 September 2026 ("Letter of 17 September 2026"). I note that Milošević, through his Counsel, accepted to receive the information in English. *See* Letter of 17 September 2026; Email communication from Milošević's Counsel to the Office of the President, 20 July 2026. Milošević received the material on 18 September 2026.
[15] Email communication from Milošević's Counsel to the Office of the President, 29 September 2026, *transmitting* a document entitled "Written Submission on Behalf of Mr. Dragomir Milosevic With Regard to Notification of the Host Country in Respect of his Eligibility for Early Release", dated 29 September 2026 (confidential) ("Comments").

12. With regard to the Application, I have consulted with Judge Liu Daqun in his capacity as a Judge of the sentencing Chamber on appeal and, given that no other Judges who imposed the sentence upon Milošević are Judges of the Mechanism, with Judge Ivo Nelson de Caires Batista Rosa, in accordance with Rule 150 of the Rules of Procedure and Evidence of the Mechanism ("Rules") and paragraph 16 of the Practice Direction.

III. APPLICABLE LAW

13. According to Article 25(2) of the Statute of the Mechanism ("Statute"), the Mechanism supervises the enforcement of sentences pronounced by the International Criminal Tribunal for Rwanda ("ICTR"), the ICTY, or the Mechanism, including the implementation of sentence enforcement agreements entered into by the United Nations with Member States.

14. Pursuant to Article 26 of the Statute, there shall only be pardon or commutation of sentence if the President so decides on the basis of the interests of justice and the general principles of law. While Article 26 of the Statute, like the equivalent provisions in the Statutes of the ICTR and the ICTY, does not specifically mention requests for early release of convicted persons, the Rules reflect the President's power to adjudicate such requests, which is also consistent with the longstanding practice of the ICTR, the ICTY, and the Mechanism.

15. Rule 149 of the Rules provides that if, according to the law of the State of imprisonment, a convicted person is eligible for pardon, commutation of sentence, or early release, the State shall, in accordance with Article 26 of the Statute, notify the Mechanism of such eligibility.

16. Rule 150 of the Rules provides that the President shall, upon such notice, determine, whether pardon, commutation of sentence, or early release is appropriate, in consultation with: (i) any Judges of the sentencing Chamber who are Judges of the Mechanism; or (ii) at least two other Judges, if none of the Judges who imposed the sentence are Judges of the Mechanism.

17. The general standards for granting early release are set out in Rule 151 of the Rules, which provides that in making a determination on pardon, commutation of sentence, or early release, the President shall take into account, *inter alia*, the gravity of the crime or crimes for which the prisoner was convicted, the treatment of similarly-situated prisoners, the prisoner's demonstration of rehabilitation, and any substantial cooperation of the prisoner with the Office of the Prosecutor ("Prosecution").

18. Paragraph 10 of the Practice Direction indicates that the President may collect information that he or she considers relevant to the determination of whether pardon, commutation of sentence,

or early release is appropriate. Paragraph 12 of the Practice Direction provides that, once all information requested has been received, the President shall communicate, directly or through the Registry, relevant information to the convicted person in a language that he or she understands. Paragraph 13 of the Practice Direction states that the convicted person shall then be given 14 days to examine the information, following which he or she may provide any written submissions in response.

19. Paragraph 19 of the Practice Direction specifies that the President shall determine whether early release is to be granted on the basis of the interests of justice and the general principles of law, having regard to the criteria specified in Rule 151 of the Rules, and any other information, as well as the views of the Judges consulted in accordance with Rule 150 of the Rules.

20. The enforcement agreement between Estonia and the United Nations,[16] which applies *mutatis mutandis* to the Mechanism,[17] provides in Article 8 that if a convicted person has become eligible for early release under Estonian law, the President will provide his or her views as to whether such early release is appropriate, and Estonia will consider these views and respond to the President prior to taking any decision on the matter.

IV. ANALYSIS

A. Preliminary Issue

21. I recall that in denying Milošević's previous applications for early release, I carefully assessed detailed information I received from a number of sources. This information included: (i) the views of the Serbian Minister of Justice regarding Milošević's indication that he would reside in Serbia if released early;[18] (ii) the Prosecution's comments and other information concerning Milošević's prospective early release;[19] (iii) information from the Mechanism's Witness Support and Protection Unit ("WISP") about witnesses who testified or provided evidence during his trial;[20] (iv) a compilation of media reports concerning Milošević that have been published in the region of the former Yugoslavia between October 2021 and February 2024;[21] and (v) the views of four victims'

[16] Agreement Between the Government of the Republic of Estonia and the United Nations on the Enforcement of Sentences of the International Criminal Tribunal for the former Yugoslavia, 11 February 2008.
[17] *See* Security Council Resolution 1966 (2010), 22 December 2010, para. 4.
[18] *Note verbale* from the Embassy of the Republic of Serbia to the Netherlands, 15 May 2024 (confidential and *ex parte*), Annex; *Note verbale* from the Embassy of the Republic of Serbia to the Netherlands, 12 September 2024 (confidential and *ex parte*), Annex.
[19] Internal Memorandum from the Registrar of the Mechanism ("Registrar") to the President, dated 29 November 2023 (confidential), *transmitting* an Internal Memorandum from the Officer-in-Charge, Prosecution, Hague branch, to the Officer-in-Charge, Registry, Hague branch, dated 24 November 2023 (confidential).
[20] Internal Memorandum from the Registrar to the President, dated 30 January 2024 (strictly confidential), *transmitting* an Internal Memorandum from the Head of WISP to the Registrar, dated 30 January 2024 (strictly confidential).
[21] Internal Memorandum from the Registrar to the President, dated 22 February 2024 (confidential), *transmitting* an Internal Memorandum from the Public Information Officer, Hague branch, to the Registrar, dated 22 February 2024.

associations that exist in relation to the crimes for which Milošević was convicted.[22] As I have no indication of material changes warranting updates to this information, I have decided to rely on it, to the extent that it is still relevant.

B. General Standards for Granting Early Release

22. According to the Mechanism's jurisprudence, a convicted person having served two-thirds of his or her sentence shall be merely eligible to be considered for early release and not entitled to such release.[23] Against this backdrop, it is therefore necessary for me, in determining whether early release is appropriate, to analyse and consider the convicted person's current situation, taking into account the non-exhaustive list of factors set out in Rule 151 of the Rules.[24] The mere passage of time cannot constitute sufficient grounds for early release.[25]

1. Gravity of Crimes, Treatment of Similarly-Situated Prisoners, and Substantial Cooperation with the Prosecutor

23. As there have been no changes to my earlier detailed assessment of Milošević's eligibility for early release and the gravity of his crimes, I reaffirm my previous conclusions that: (i) Milošević became eligible for early release upon passing the two-thirds threshold in March 2024;[26] and (ii) there is no doubt as to the high gravity of his crimes.[27] Moreover, having not received any new information to the contrary, there is no demonstration that Milošević substantially cooperated with the Prosecutor.[28]

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[22] Internal Memorandum from the Registrar to the President, dated 7 June 2024 (confidential), paras. 2-3, *transmitting* a letter from the President of the Association of Parents of Killed Children in Besieged Sarajevo 1992-1995, dated 29 May 2024; a letter from the President of the Association "Women Victims of War" Sarajevo, dated 29 May 2024; a letter from the President of the Association of the Victims and Witnesses of Genocide, dated 31 May 2024; and a letter from the President and the General Secretary of the Association – Union of Civilian War Victims of Sarajevo Canton, dated 6 June 2024.

[23] *Prosecutor v. Mićo Stanišić*, Case No. MICT-13-53-ES.2, Decision on the Application for Early Release of Mićo Stanišić, 10 November 2026 ("*M. Stanišić* Decision"), para. 22; *Prosecutor v. Jovica Stanišić*, Case No. MICT-25-96-ES.2, Decision on the Application for Early Release of Jovica Stanišić, 25 September 2026 (public redacted) ("*J. Stanišić* Decision"), para. 27; *Prosecutor v. Stanislav Galić*, Case No. MICT-14-83-ES, Decision on the Early Release of Stanislav Galić, 26 June 2019 (public redacted), para. 24.

[24] *M. Stanišić* Decision, para. 22; *J. Stanišić* Decision, para. 27; *Prosecutor v. Radislav Krstić*, Case No. MICT-13-46-ES.1, Decision on the Application for Early Release of Radislav Krstić, 15 November 2022 (public redacted) ("*Krstić* Decision of 15 November 2022"), para. 32.

[25] *M. Stanišić* Decision, para. 22; *J. Stanišić* Decision, para. 27; *Prosecutor v. Bruno Stojić*, Case No. MICT-17-112-ES.3, Decision on the Application for Early Release of Bruno Stojić, 17 January 2024 (public redacted), para. 100.

[26] Decision of 13 December 2024, paras. 29, 41; Decision of 5 December 2025, p. 1.

[27] Decision of 13 December 2024, paras. 33-38. *See also* Decision of 5 December 2025, p. 1.

[28] Decision of 13 December 2024, para. 66.

2. Demonstration of Rehabilitation

24. Before turning to an individualised assessment of Milošević's demonstration of rehabilitation, I note that the Mechanism's jurisprudence expands upon certain elements pertaining to whether a convicted person has demonstrated rehabilitation under Rule 151 of the Rules. In particular, a number of positive indicators of rehabilitation of persons convicted by the ICTR, the ICTY, or the Mechanism have been recognised and include: (i) the acceptance of responsibility for the crimes a person was convicted for or for actions which enabled the commission of the crimes; (ii) signs of critical reflection of the convicted person upon his or her crimes; (iii) public or private expressions of genuine remorse or regret; (iv) actions taken to foster reconciliation or seek forgiveness; (v) evidence that a convicted person has a positive attitude towards persons of other backgrounds, bearing in mind the discriminatory motive of some of the crimes; (vi) participation in rehabilitation programmes in prison; (vii) a convicted person's mental health status; and (viii) a positive assessment of a convicted person's prospects to successfully reintegrate into society.[29] This is a non-exhaustive list and convicted persons are not expected to fulfil all of these indicators in order to demonstrate rehabilitation.[30]

25. It falls upon the convicted person to demonstrate that sufficient progress has been made in his or her rehabilitation, and that granting release before the full sentence is served would be a responsible exercise of the President's discretion.[31] Given that crimes against humanity and war crimes are among the gravest crimes known to humankind, it is not appropriate to view the rehabilitation of perpetrators of such crimes as one would view the rehabilitation of perpetrators of so-called ordinary crimes adjudicated at the national level.[32]

26. Turning to the extent to which Milošević has demonstrated rehabilitation, I consider the Prison Report, the Comments, and a letter sent to me in the context of an earlier application for early release[33] to be the most probative materials before me.

[29] *M. Stanišić* Decision, para. 30; *J. Stanišić* Decision, para. 36; *Prosecutor v. Miroslav Bralo*, Case No. MICT-14-78-ES, Decision on the Early Release of Miroslav Bralo, 31 December 2019 (public redacted) ("*Bralo* Decision"), para. 39 and references cited therein.
[30] *M. Stanišić* Decision, para. 30; *J. Stanišić* Decision, para. 36; *Bralo* Decision, para. 39.
[31] *M. Stanišić* Decision, para. 31; *J. Stanišić* Decision, para. 37; *Bralo* Decision, para. 39.
[32] *M. Stanišić* Decision, para. 31; *J. Stanišić* Decision, para. 37; *Bralo* Decision, para. 38.
[33] *See* Internal Memorandum from the Registrar to the President, dated 23 August 2024 (confidential), para. 3, *transmitting* a letter from Milošević, dated 12 August 2024 ("2024 Personal Statement").

(a) Behaviour in Prison

27. Good behaviour in prison is the very minimum to be expected of a convicted person while serving his or her sentence.[34] In my opinion, such good behaviour cannot on its own demonstrate rehabilitation of a person convicted for some of the most heinous international crimes.[35]

28. The Estonian authorities confirm that Milošević's behaviour during his imprisonment has been sound, and that he has not committed any violations, has no problems in communicating with prison officials, and no disciplinary sanctions have been imposed against him.[36] Moreover, according to the prison authorities, Milošević considers himself different from other detainees due to his background and attitude, and considers it important to respect the rules.[37]

29. I recall my earlier finding that Milošević's behaviour in prison has been good.[38] The information before me confirms that it continues being so and, as such, merits positive weight in my consideration. However, as set out above, good behaviour in prison cannot on its own demonstrate rehabilitation of a person convicted for some of the most heinous international crimes.[39] It is therefore necessary to consider other elements, to which I now turn.

(b) Acceptance of Responsibility, Signs of Critical Reflection, and Expressions of Genuine Remorse or Regret

30. The Mechanism's jurisprudence has recognised that: (i) an important factor in assessing a convicted person's progress towards rehabilitation is the acceptance of responsibility for his or her crimes, even if this does not constitute a legal requirement to demonstrate rehabilitation and is not a precondition for early release; and (ii) a convicted person's partial acceptance of responsibility for his or her crimes will merit positive weight but any notable difference between the role a convicted person ascribes to himself or herself, and the role actually played as determined by the relevant judgements, can suggest a lack of sufficient critical reflection upon his or her crimes.[40]

[34] *M. Stanišić* Decision, para. 33; *J. Stanišić* Decision, para. 39; *Krstić* Decision of 15 November 2022, para. 49.
[35] *M. Stanišić* Decision, para. 33; *J. Stanišić* Decision, para. 39; *Bralo* Decision, para. 38.
[36] Prison Report, pp. 1-3.
[37] Prison Report, p. 3.
[38] Decision of 13 December 2024, para. 51.
[39] *See supra* para. 27.
[40] *M. Stanišić* Decision, para. 37; *J. Stanišić* Decision, para. 43; *Prosecutor v. Vlastimir Đorđević*, Case No. MICT-14-76-ES, Decision on the Applications for Early Release of Vlastimir Đorđević, 30 November 2021 (public redacted), para. 70.

31. Moreover, in my view, a statement made or referred to in support of an early release application should not be considered in isolation from its greater context.[41] The content of any such statement should be corroborated by positive actions taken by the convicted person, which indicate that he or she has critically reflected upon his or her crimes and is genuinely remorseful.[42] Tangible evidence of rehabilitation is indeed a crucial aspect, which helps to differentiate genuine expressions of remorse or regret from more opportunistic ones.[43]

32. The Estonian authorities identify a risk in Milošević re-offending, based on his thinking, behaviour, and attitudes, and evaluate him as posing high risk for the society.[44] In particular, the authorities highlight the threat caused to national security by the crimes for which Milošević was convicted as being indicative of his indifferent attitude towards society, and the long duration of his crimes as being indicative of his attitude towards the legal order and the lack of value towards societal rules and norms.[45] I am mindful of the fact that this conclusion is largely based on the type of crimes for which Milošević was convicted and the attitudes that led to or enabled their commission more than three decades ago.[46] I am also mindful that the assessment of criminogenic factors is in many aspects unique in cases of core international crimes and that other enforcement States have assessed persons convicted of such crimes as low risk exactly because of the specific context in which they were committed.[47]

33. Concerning Milošević's current state of mind towards the crimes for which he was convicted, the authorities state that Milošević understands and regrets what has been done, describing what happened as "a cruel military conflict in which civilians should not have been injured".[48] They also refer to an interview with him in February 2024, during which he stated that he regretted not having intervened in the protection of civilians and prevented crimes committed by his subordinates, and expressed sympathy with the victims' loved ones, as well as understanding of the scope and impact of his acts, and of the fact that they constituted acts of terror.[49] However, the Estonian authorities also underline that during this interview, Milošević claimed that that he was largely unaware of the actions

[41] *J. Stanišić* Decision, para. 44; *Prosecutor v. Milan Martić*, Case No. MICT-14-82-ES, Decision on the Application for Early Release of Milan Martić, 4 February 2026 (public redacted) ("*Martić* Decision"), para. 53; *Krstić* Decision of 15 November 2022, para. 61.
[42] *J. Stanišić* Decision, para. 44; *Martić* Decision, para. 53; *Krstić* Decision of 15 November 2022, para. 61.
[43] *J. Stanišić* Decision, para. 44; *Martić* Decision, para. 53; *Krstić* Decision of 15 November 2022, para. 61.
[44] Prison Report, pp. 1-4.
[45] Prison Report, p. 3.
[46] *See* Prison Report, p. 4 (providing that the factors examined to assess the likelihood of a new criminal offence being committed are immutable over time and, therefore, the convicted person's risk of recidivism remains the same despite the fact that there may have been changes in his or her behaviour and that he or she no longer commits criminal offences).
[47] *See Prosecutor v. Radislav Krstić*, Case No. MICT-13-46-ES.1, Decision on the Application for Early Release of Radislav Krstić, 6 July 2026 (public redacted), para. 43.
[48] Prison Report, p. 3.
[49] Prison Report, p. 3.

of his subordinates, whose crimes against civilians became known later.[50] According to the authorities, he views his responsibility as failing to prevent the actions of his subordinates.[51]

34. Ultimately, while the Estonian authorities accept that the likelihood of a similar offence being committed by Milošević is made more difficult by his age and the significant change to the political situation compared to the 1990s, having considered the attitudes he maintains, his position and familiarity with like-minded people, they quantify such likelihood at 15%.[52] On this basis, the prison authorities do not recommend the conditional early release of Milošević.[53]

35. In response, Milošević accepts that the crimes for which he was found criminally responsible are "exceptionally grave" and submits that his sentence reflects their gravity and the need to acknowledge the harm and suffering endured by the victims.[54] He also submits that rehabilitation is a continuous process and any assessment in this regard should be based upon sustained observation of his conduct over the course of his imprisonment rather than one interview, as it appears to be the case in these circumstances where the Estonian authorities only refer to an interview conducted in February 2024.[55]

36. Milošević further refers to his 2024 Personal Statement, in which he, *inter alia*, stated that "[he] fully accept[s] [his] responsibility for the crimes committed against the innocent civilian victims of Sarajevo" and that "[s]hould someone consider [his] words to be insincere, and even if [his] application is deemed unfit to be granted, [he] feel[s] a great need for them to be recorded and expressed. Perhaps at least someone who has not felt the terrors of war will have testimony that after every war only pain remains".[56] According to him, a public expression of remorse and regret, especially in the current international and domestic political circumstances where reconciliation remains difficult, should not be *a priori* treated as devoid of relevance.[57] He also highlights that throughout the period during which he has been serving his sentence, "he has never, whether publicly or privately, made statements seeking to deny, minimize, or otherwise call into question his criminal responsibility, nor has he made statements impugning the ICTY, its work, or its institutional integrity".[58]

[50] Prison Report, pp. 2-3.
[51] Prison Report, pp. 2-3.
[52] Prison Report, pp. 2-4.
[53] Prison Report, p. 4.
[54] Comments, para. 5.
[55] Comments, paras. 7, 9.
[56] Comments, para. 8. *See also* 2024 Personal Statement, pp. 1, 5.
[57] Comments, para. 10.
[58] Comments, para. 11.

37. I recall that, in the Decision of 13 December 2024, I identified "significant shortcomings in terms of genuine responsibility, personal insight, and remorse" in Milošević's related statements.[59] In this regard, I underlined the concerns raised by: (i) his description of the crimes for which he was convicted as being that he failed to prevent his subordinates' conduct and that he was largely unaware of their actions, which disregards his convictions for ordering the shelling of the civilian population in Sarajevo and participating in a 14-month campaign of terror; and (ii) the vague expressions of regret in his statements which do not address the specific harm caused to the victims of his crimes.[60] Milošević does not address these concerns in relation to the present Application either.[61]

38. Regardless of Milošević's objection that the Prison Report relies only on an official interview conducted in February 2024 regarding his rehabilitation, Milošević himself does not offer his views on any recent progress of his rehabilitation process, but rather largely relies on his submissions in 2024 that were already found to be insufficient to demonstrate his rehabilitation. In addition, establishing rehabilitation requires positive and tangible indications, which are absent from his submissions. While I encourage the Estonian authorities to provide Milošević with frequent opportunities to discuss his crimes and their impact, as well as other issues that could be relevant for indicating any progress towards rehabilitation,[62] Milošević is ultimately the one who bears the burden of demonstrating that he satisfies this consideration.

39. Accordingly, my earlier conclusion that Milošević's selective interpretation of his role, superficial reflections, and detached expression of remorse continue to undermine the credibility of his statements concerning his remorse and rehabilitation remains valid.[63] I am therefore not satisfied that he has demonstrated sufficient signs of having accepted his responsibility and expressing genuine remorse or regret.

(c) Mental State and Prospects of Successful Reintegration into Society

40. The prison authorities describe Milošević as "balanced" and provide that there are no complaints regarding any mood disorders.[64] Moreover, the authorities assess Milošević's financial situation as "satisfactory" and provide that, according to their information, if released early, he would be financially supported by his and his spouse's pensions.[65] During his incarceration, Milošević has

[59] Decision of 13 December 2024, para. 57. *See also* Decision of 13 December 2024, para. 61.
[60] Decision of 13 December 2024, paras. 58-59.
[61] *See* Comments, paras. 6, 8 (repeating the same description of his acts and remorse statements).
[62] I observe in this regard that, previously, Milošević appeared to not wish to engage in such discussions. *See* Decision of 13 December 2024, para. 59.
[63] Decision of 13 December 2024, paras. 58, 60.
[64] Prison Report, p. 2.
[65] Prison Report, p. 2.

maintained contact with his family and has received visits from an acquaintance who lives in Estonia.[66]

41. The information before me suggests that, if released, Milošević would have resources in place to support his reintegration into society. Although these elements do not in and of themselves demonstrate rehabilitation, I consider that they merit positive weight in my consideration of his rehabilitation.

(d) Overall Assessment

42. As set out above, Milošević's behaviour in prison has consistently been good. In addition, should he be released, the available information suggests that he would have the necessary resources to support his positive reintegration into society. However, I have no information that would suggest that Milošević has engaged in any further reflection about his crimes and specific role in them, or any other positive conduct that could demonstrate a level of rehabilitation that would warrant the exceptional relief of early release.

C. Other Considerations

1. Health of the Convicted Person

43. Previous decisions have taken into account the state of the convicted person's health in the context of an early release application.[67] In particular, I observe that a convicted person's health must be considered when the seriousness of his or her condition makes it inappropriate for the convicted person to remain in prison any longer.[68]

44. The Estonian authorities provide that Milošević has a number of chronic diseases for which treatment is available, including age-related problems.[69] They also convey Milošević's own reporting of a deterioration in [REDACTED] and [REDACTED], as well as problems with his [REDACTED] and [REDACTED].[70]

45. Milošević submits that the information in the Prison Report does not adequately reflect his current medical condition and that an earlier medical assessment of the Estonian authorities provided

[66] Prison Report, p. 2.
[67] *M. Stanišić* Decision, para. 49; *J. Stanišić* Decision, para. 70; *Prosecutor v. Paul Bisengimana*, Case No. MICT-12-07, Decision of the President on the Early Release of Paul Bisengimana and on Motion to File a Public Redacted Application, 11 December 2012 (public redacted), para. 32.
[68] *M. Stanišić* Decision, para. 49; *J. Stanišić* Decision, para. 70; *Prosecutor v. Ljubiša Beara*, Case No. MICT-15-85-ES.3, Public Redacted Version of 7 February 2017 Decision of the President on the Early Release of Ljubiša Beara, 16 June 2017, paras. 47-49.
[69] Prison Report, p. 2.
[70] Prison Report, p. 2.

that "from a medical perspective, early release is justified, taking into account the patient's age and chronic health conditions".[71] He further refers to two medical incidents that occurred in early 2025 and July 2026, which required urgent medical intervention because of their potentially life-threatening nature.[72] In this regard, he requests that the entire medical records during his imprisonment be reviewed and the medical expertise on whether these medical incidents may jeopardise his life performed.[73]

46. I note that the Medical Report, which was collected in relation to his previous application for early release, confirms that Milošević is experiencing age-related changes, including [REDACTED], [REDACTED], [REDACTED], and a number of comorbidities, as well as [REDACTED], causing limited [REDACTED].[74] The Medical Report also confirms the incident of early 2025, providing that it "was medically stabilized, treatment was adjusted, and replacement therapy was administered".[75] Importantly, although the family doctor signing the report states that "[f]rom a medical perspective, early release is justified, taking into account the patient's age and chronic health conditions", she also provides that "[t]he minimum requirements for the provision of healthcare are met in [the prison], "[t]he patient is under regular medical supervision", his "chronic health conditions are compensated with appropriate treatment", and he "is able to manage independently".[76] I recall in this regard my conclusion in the Decision of 5 December 2025 that Milošević's conditions do not yet rise to a degree of seriousness that renders his continued imprisonment inappropriate, particularly in view of the adequacy of the care provided, and that he failed to establish compelling humanitarian grounds warranting his early release.[77] Similarly, the medical incident of July 2026 was appropriately addressed and Milošević was able to return to prison, following a brief hospitalization.[78]

47. It is clear that Milošević suffers from several chronic health problems. Nevertheless, nothing in the information before me suggests that these reach the level of compelling humanitarian grounds that would render his continued imprisonment inappropriate.

[71] Comments, paras. 13-14, *referring to* Letter from Advisor, Prisons Department, Sentence Enforcement Division of the Estonian Ministry of Justice and Digital Affairs to President, dated 19 June 2025, *transmitting* Report of [REDACTED], dated 19 June 2025 ("Medical Report").
[72] Comments, paras. 14-15.
[73] Comments, fn. 6.
[74] Medical Report, p. 1.
[75] Medical Report, p. 1.
[76] Medical Report, p. 1.
[77] Decision of 5 December 2025, pp. 4-5.
[78] *See* Email communication from the Estonian Ministry of Justice and Digital Affairs to the Office of the President, 4 August 2026; Email communication from the [REDACTED] Prison to the Office of the President, 4 August 2026.

2. Consultation

48. In coming to my decision on whether to grant the Application, I have consulted with two other Judges of the Mechanism in accordance with Rule 150 of the Rules and paragraph 16 of the Practice Direction.[79] Both Judges agree that the Application should be denied, highlighting the exceptional gravity of Milošević's crimes as well the exceptional nature of granting early release for the most serious international crimes. Both Judge Liu and Judge Rosa also refer to the lack of any compelling humanitarian grounds that would have otherwise justified granting early release.

49. I am grateful for my Colleagues' views on these matters and have taken them into account in my ultimate assessment of the Application.

V. CONCLUSION

50. Although Milošević is eligible to be considered for early release, I am of the opinion that the Application should be denied. The high gravity of his crimes strongly militates against granting him early release and Milošević has not demonstrated sufficient signs of rehabilitation. Further, there is no evidence before me that establishes the existence of compelling humanitarian grounds which would warrant overriding this negative assessment.

VI. DISPOSITION

51. For the foregoing reasons, and pursuant to Article 26 of the Statute and Rules 150 and 151 of the Rules, I hereby **DENY** the Application.



Done this 16th day of November 2026,
At The Hague,
The Netherlands.

Judge Graciela Gatti Santana
President

[79] *See supra* para. 12.

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