



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-14-82-ES

Date: 13 July 2026

Original: English

THE PRESIDENT OF THE MECHANISM

Before: Judge Graciela Gatti Santana, President

Registrar: Mr. Abubacarr M. Tambadou

Decision of: 13 July 2026

PROSECUTOR

v.

MILAN MARTIĆ

PUBLIC REDACTED VERSION

**DECISION ON THE EARLY RELEASE
APPLICATION OF MILAN MARTIĆ**

Mr. Milan Martić

Republic of Estonia

I, GRACIELA GATTI SANTANA, President of the International Residual Mechanism for Criminal Tribunals (“President” and “Mechanism”, respectively);

NOTING that, on 12 June 2007, Trial Chamber I of the International Criminal Tribunal for the former Yugoslavia (“ICTY” and “Trial Chamber”, respectively) found Mr. Milan Martić (“Martić”) guilty, pursuant to Article 7(1) of the Statute of the ICTY, of murder, torture, cruel treatment, wanton destruction of villages or devastation not justified by military necessity, destruction or wilful damage done to institutions dedicated to education or religion, plunder of public or private property, and attacks on civilians as violations of the laws or customs of war, as well as persecution, murder, imprisonment, torture, inhumane acts, deportation, and forcible transfer as crimes against humanity and sentenced him to 35 years of imprisonment;¹

NOTING that, on 8 October 2008, the Appeals Chamber of the ICTY (“Appeals Chamber”), *inter alia*, affirmed Martić’s 35-year sentence;²

NOTING that, on 26 June 2009, Martić was transferred to the Republic of Estonia (“Estonia”) to serve the remainder of his sentence;³

BEING SEISED of an application from Martić, dated 14 October 2025 and filed confidentially on the record on 12 June 2026,⁴ requesting early release or, alternatively, a commutation of his sentence to a term that amounts to time served;⁵

RECALLING that, on 4 February 2026, I issued a decision denying Martić early release, having received a notification from Estonia that, under Estonian law, Martić would become eligible to be considered for release from prison on parole as of 15 September 2025;⁶

¹ *Prosecutor v. Milan Martić*, Case No. IT-95-11-T, Judgement, 12 June 2007, paras. 470-472, 480, 518-519.

² *Prosecutor v. Milan Martić*, Case No. IT-95-11-A, Judgement, 8 October 2008, paras. 354-355.

³ Decision on the Application for Early Release of Milan Martić, 4 February 2026 (“Decision of 4 February 2026”), para. 5. *See also* *Prosecutor v. Milan Martić*, Case No. IT-95-11-ES, Order Designating State in which Milan Martić is to Serve his Sentence, 18 February 2009; *Prosecutor v. Milan Martić*, Case No. IT-95-11-ES, Decision on Milan Martić’s Request for Reconsideration of Order Designating State in which he is to Serve his Sentence, 5 March 2009, para. 6.

⁴ *See* Registrar’s Submission of an Application for Early Release Received from Milan Martić, 12 June 2026 (confidential) (“Registrar’s Submission”), Annex, Application for Early Release of Milan Martić Upon Serving Two-Third of Sentence, 14 October 2025 (“Application”). In the Registrar’s Submission, the Registrar of the Mechanism (“Registrar”) explains, *inter alia*, that the email conveying the Application had been misidentified as spam and removed from the Registry’s judicial filings inbox, and sets out the steps taken to recover the email and Application, as well as those taken to reduce the risk of similar incidents occurring in the future. *See* Registrar’s Submission, paras. 1-7.

⁵ Application, paras. 1, 31. I have requested that the Registrar facilitate the filing of a public redacted version of the Application, however, at the time of issuing the present Decision, it remains to be filed. *See* Internal Memorandum from the President to the Registrar, dated 5 June 2026 (confidential).

⁶ *See* Decision of 4 February 2026, paras. 1, 7. *See also* Registrar’s Submission of Notification Transmitted by the Republic of Estonia, 27 May 2025 (confidential), Annex, Notification from Estonia’s Ministry of Justice and Digital Affairs, dated 12 May 2025, Registry Pagination 648.

RECALLING that, in the Decision of 4 February 2026, I concluded that the high gravity of Martić’s crimes and his failure to demonstrate sufficient signs of rehabilitation militated against his early release, and found no evidence establishing the existence of compelling humanitarian grounds, including his health conditions, that would warrant overriding this negative assessment;⁷

RECALLING that, in the context of the Decision of 4 February 2026 and in accordance with paragraph 10 of the relevant practice direction,⁸ I collected information from the Estonian authorities,⁹ the Mechanism’s Witness Support and Protection Unit,¹⁰ the Office of the Prosecutor of the Mechanism (“Prosecution”),¹¹ the authorities of the Republic of Serbia (“Serbia”),¹² and victims’ associations or other groups related to the crimes for which Martić was convicted,¹³ as well as information from Martić himself¹⁴ (together, “Collected Material”);

CONSIDERING the recency of the Collected Material, and that there is no indication of any material changes warranting the collection of updated information, judicial efficiency favours my reliance on the Collected Material, when relevant, in the present decision;¹⁵

RECALLING that, pursuant to Article 26 of the Statute of the Mechanism (“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;¹⁶

RECALLING that, pursuant to Rule 150 of the Rules, upon receipt of a direct petition from the convicted person, the President shall 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

⁷ Decision of 4 February 2026, para. 79.

⁸ 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”).

⁹ See Decision of 4 February 2026, paras. 8, 13. See also Email communication from Estonian Ministry of Justice and Digital Affairs to the Office of the President, dated 20 June 2025 (confidential), *transmitting, inter alia*, (i) a letter from the Sentencing Enforcement Division of the Prisons Department of Estonia’s Ministry of Justice and Digital Affairs, dated 19 June 2025 (“Sentencing Enforcement Division Letter”) and (ii) a report from the Prison Medical Centre, dated 16 June 2025 (“Medical Report”).

¹⁰ See Decision of 4 February 2026, paras. 9, 17.

¹¹ See Decision of 4 February 2026, paras. 10, 12. See also Internal Memorandum from the Prosecutor to the President, dated 19 June 2025 (confidential) (“Prosecution Memorandum”).

¹² See Decision of 4 February 2026, paras. 15-16.

¹³ See Decision of 4 February 2026, paras. 9, 18.

¹⁴ See Decision of 4 February 2026, paras. 11, 14.

¹⁵ See *Prosecutor v. Radislav Krstić*, Case No. MICT-13-46-ES.1, Decision on the Application for Early Release of Radislav Krstić, 3 February 2025 (public redacted), para. 25.

¹⁶ While Article 26 of the Statute, like the equivalent provisions in the Statutes of the International Criminal Tribunal for Rwanda (“ICTR”) and the ICTY, does not specifically mention requests for early release of convicted persons, the Mechanism’s Rules of Procedure and Evidence (“Rules”) reflect the President’s power to deal with such requests, which is also consistent with the longstanding practice of the ICTR, the ICTY, and the Mechanism.

sentence are Judges of the Mechanism;

RECALLING that, pursuant to Rule 151 of the Rules, in determining whether pardon, commutation of sentence, or early release is appropriate, 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 Prosecution;

RECALLING that all convicted persons supervised by the Mechanism are considered eligible to apply for early release upon the completion of two-thirds of their sentences, irrespective of the tribunal that convicted them and where they serve their sentence;¹⁷

RECALLING that, given the gravity of the crimes within the jurisdiction of the ICTR, the ICTY, and the Mechanism, as a general rule, a sentence should be served in full unless it is demonstrated that a convicted person should be granted early release, and that, when assessing whether early release is warranted pursuant to Rule 151 of the Rules, the gravity of the crimes is a factor of fundamental importance which determines the threshold that arguments favouring early release must reach, with graver criminal conduct requiring a more compelling demonstration of rehabilitation;¹⁸

RECALLING that a convicted person must demonstrate that sufficient progress has been made in his or her rehabilitation¹⁹ and that a number of positive indicators of rehabilitation have been recognised;²⁰

RECALLING that, in the context of an application for early release, a convicted person's health must be taken into account, especially when information about the seriousness of the condition establishes compelling humanitarian grounds that make it inappropriate for the convicted person to remain in prison any longer;²¹

RECALLING that applications premised solely on the combination of advanced age and poor health, without further demonstrating the existence of an acute crisis or a life-threatening medical condition, have not met the threshold of "compelling humanitarian grounds";²²

¹⁷ See Decision of 4 February 2026, para. 30.

¹⁸ See Decision of 4 February 2026, para. 34.

¹⁹ See Decision of 4 February 2026, para. 47.

²⁰ See Decision of 4 February 2026, para. 46 (setting out a non-exhaustive list of indicators).

²¹ See Decision of 4 February 2026, para. 74.

²² See *Prosecutor v. Ratko Mladić*, MICT-13-56-ES, Decision on the Application for Release of Ratko Mladić, 14 May 2026 (public redacted), para. 28; *Prosecutor v. Dragomir Milošević*, MICT-16-98-ES, Decision on the Application for Early Release of Dragomir Milošević, 5 December 2025, p. 4; *Prosecutor v. Zdravko Tolimir*, MICT-

NOTING Martić's submissions that: (i) he has served two-thirds of his sentence; (ii) he is disadvantaged compared to others who were granted early release upon reaching the same stage of sentence under similar conditions; and (iii) "ICTY and Mechanism practice created a legitimate expectation that prisoners will be released at two-thirds unless there are clear reasons not to";²³

RECALLING that, once a person has been found to be eligible to be considered for early release, further comparisons to other similarly-situated persons are inconsequential when determining whether early release is appropriate as each case presents unique circumstances that the President must consider on their own merits;²⁴

RECALLING that Martić served two-thirds of his sentence on 8 September 2025 and is therefore eligible to be considered for early release before the Mechanism;²⁵

NOTING Martić's submissions that: (i) the gravity of his crimes was reflected in the severity of his sentence; (ii) gravity is not a bar to early release as all ICTY cases involve very grave crimes; and (iii) his 35-year sentence was among the longer sentences imposed by the ICTY, and that by serving over 23 years he has served a term commensurate with very serious culpability;²⁶

RECALLING that, in the Decision of 4 February 2026, I found Martić's crimes to be of a high gravity, which weighed against his early release;²⁷

CONSIDERING that Martić does not dispute that his crimes were of a high gravity;²⁸

REITERATING my conclusion in the Decision of 4 February 2026 in this regard;²⁹

NOTING Martić's submissions that "no 'particular circumstances that warrant against' release have been identified", and that his rehabilitation should weigh in favour of his release, or at least not weigh against it, as: (i) his conduct in prison has been "exemplary and respectful"; (ii) he is not the same person as he was in the early-1990s as age and experience have changed him and he no longer holds any position of influence or the potential for such position; (iii) there is "no risk of re-offending" given his personal changes and the vastly different world he would re-enter; and

15-95-ES, Public Redacted Version of the "Decision on Motion for Provisional Release" filed on 28 January 2016, 23 February 2016, para. 9, fn. 35 and references cited therein.

²³ Application, paras. 2, 5-13.

²⁴ *Prosecutor v. Alfred Musema*, MICT-12-15-ES.1, Decision on the Application for Early Release of Alfred Musema, 12 January 2026, para. 39; *Prosecutor v. Mico Stanišić*, MICT-13-53-ES.2, Decision on the Application for Early Release of Mico Stanišić, 17 July 2025, para. 43; *Prosecutor v. Radivoje Miletić*, Case No. MICT-15-85-ES.5, Decision on the Early Release of Radivoje Miletić, 18 January 2024, para. 45.

²⁵ Decision of 4 February 2026, para. 79.

²⁶ Application, para. 25.

²⁷ Decision of 4 February 2026, para. 41. *See* Decision of 4 February 2026, paras. 35-40.

²⁸ Application, para. 25.

(iv) “[i]f the President deems it important, [he is] ready to express the acknowledgment of the Tribunal’s judgments and [his] commitment to abide by the law and live peacefully henceforth”;³⁰

RECALLING that, in the Decision of 4 February 2026, I found that while Martić had shown good behaviour in prison and that there were some signs that he could successfully reintegrate into society, I had no information to suggest that Martić had accepted responsibility for his crimes, demonstrated signs of critical reflection, or expressed genuine remorse or regret, and I, consequently, concluded that he had not yet reached a level of rehabilitation sufficient to merit early release;³¹

RECALLING that, in concluding that Martić had not yet accepted responsibility for his crimes, demonstrated signs of critical reflection, or expressed genuine remorse or regret, I relied on: (i) a report from the Estonian authorities that Martić “considers himself a political prisoner”, “[g]enerally speaking, does not want to talk about his crimes, believing that the sentence imposed on him was politically motivated”, and has been offered the opportunity to communicate with a psychiatrist or psychologist, which he has not accepted;³² and (ii) a 2019 media article, in which Martić, *inter alia*, sought to justify the attack on Zagreb, referred to himself as the “first victim of the emergence of neo-fascism in the world”, and continued using slurs to describe the Croatian armed forces;³³

CONSIDERING that, as the Application is void of any indication that Martić accepts responsibility for his crimes, has demonstrated signs of critical reflection, or has expressed genuine remorse or regret,³⁴ I continue to be of the view that he has not yet reached a level of rehabilitation sufficient to merit early release;

REITERATING, therefore, my conclusion in the Decision of 4 February 2026 in this regard;³⁵

NOTING Martić’s submissions that: (i) any cooperation with the Prosecutor is a neutral factor in

²⁹ Decision of 4 February 2026, para. 41.

³⁰ Application, paras. 8, 25.

³¹ Decision of 4 February 2026, paras. 50-51, 54-60.

³² Decision of 4 February 2026, para. 54 *referring to* Sentencing Enforcement Division Letter, p. 1.

³³ Decision of 4 February 2026, para. 55 *referring to* Prosecution Memorandum, Annex A (media report from 8 September 2019), pp. 1-7.

³⁴ To the contrary, many of Martić’s submissions tend to suggest an absence of critical reflection that is central to the rehabilitation process. *See e.g.* Application, paras. 25 (“allowing an elderly man who has been punished for over two decades to live [his] final years with his family can be viewed as an act of reconciliation without negating the seriousness of the offenses”), 29 (“Moreover, keeping me in prison until the last years of the term is not going to make a change to any harm; the harm has been addressed through the trial, conviction, and the long years of imprisonment I have already served. At this juncture, the additional benefit to victims or society of continuing incarceration is likely marginal”).

³⁵ *See* Decision of 4 February 2026, para. 60.

his case; (ii) he was not in a position to provide substantial cooperation as most other relevant cases were already completed or underway; and (iii) his voluntarily surrender in 2002 was only given minimal weight at sentencing, but in his view “reflected acceptance of the legal process”,³⁶

RECALLING that, in the Decision of 4 February 2026, I attached no weight to any cooperation with the Prosecution, as I had no information to suggest that Martić had cooperated beyond his surrender, which the Trial Chamber found, and the Appeals Chamber affirmed, was not fully voluntary;³⁷

REITERATING my conclusion in the Decision of 4 February 2026 in this regard;³⁸

NOTING Martić’s submissions that: (i) he is 71 years old, suffers from [REDACTED]; (ii) his advanced age and health constitute compelling humanitarian considerations; and (iii) that his release now, “before such [...] crisis point is reached, is the humane and prudential approach”;³⁹

RECALLING that, in the Decision of 4 February 2026, I found no indication that Martić’s health may be an impediment to his continued imprisonment, but nevertheless, as part of my overall assessment of the various factors, took the information on Martić’s health into account, including a Medical Report from the Estonian authorities that indicated that Martić: (i) has been diagnosed with [REDACTED]; (ii) had [REDACTED] in 2024, and [REDACTED] in 2018-2019 and again in 2022; (iii) suffers [REDACTED]; and (iv) has his symptoms managed with treatment and is under regular supervision by medical professionals;⁴⁰

CONSIDERING that Martić does not contend to be suffering from an acute crisis or a life-threatening medical condition, nor has he provided any documentation that would support such a finding;

FINDING that Martić has failed to establish compelling humanitarian grounds warranting his early release;

CONSIDERING that, as no Judges who imposed the sentence upon Martić are Judges of the Mechanism, in accordance with Rule 150 of the Rules and paragraph 16 of the Practice Direction, I consulted with Judge Joseph Masanche and Judge Vagn Joensen;

³⁶ Application, para. 25.

³⁷ Decision of 4 February 2026, paras. 61-62.

³⁸ Decision of 4 February 2026, para. 62.

³⁹ Application paras. 2, 4-5, 16-23. In support of his submissions, Martić refers, *inter alia*, to *Older Persons in Detention: A Framework for Preventive Monitoring*, Penal Reform International (June 2021); Political Declaration and Madrid International Plan of Action for Ageing, A/CONF.197/9, 12 April 2002.

⁴⁰ Decision of 4 February 2026, paras. 75-76 referring to Medical Report, p. 1.

CONSIDERING further that Judge Masanche and Judge Joensen having highlighted, *inter alia*, that Martić has shown no signs of regret, both share my view that the Application should be denied;

FOR THE FOREGOING REASONS,

HEREBY DENY the Application; and

DIRECT the Registrar to provide the Prosecution and Serbia with the public redacted version of this decision as soon as practicable.

Done in English and French, the English version being authoritative.

Done this 13th day of July 2026,
At The Hague,
The Netherlands.


 Judge Graciela Gatti-Santana
 President

[Seal of the Mechanism]



TRANSMISSION SHEET FOR FILING OF DOCUMENTS / FICHE DE TRANSMISSION POUR LE DÉPÔT DE DOCUMENTS

I - FILING INFORMATION / INFORMATIONS GÉNÉRALES

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			☐ Registrar/ Greffier	☐ Other/ Autre
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