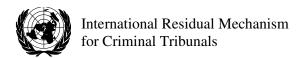
UNITED NATIONS



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

Date: 3 November 2025

Original: English

THE PRESIDENT OF THE MECHANISM

Before: Judge Graciela Gatti Santana, President

Registrar: Mr. Abubacarr M. Tambadou

Decision of: 3 November 2025

PROSECUTOR

v.

BRUNO STOJIĆ

CONFIDENTIAL REDACTED VERSION

DECISION ON THE APPLICATION FOR EARLY RELEASE OF BRUNO STOJIĆ

Counsel for Mr. Bruno Stojić:

Ms. Senka Nožica

1. I, Graciela Gatti Santana, President of the International Residual Mechanism for Criminal Tribunals ("President" and "Mechanism", respectively), am seised of an application for early release filed by Mr. Bruno Stojić ("Stojić") on 17 January 2025.¹

I. BACKGROUND

- 2. On 5 April 2004, Stojić voluntarily surrendered to the International Criminal Tribunal for the former Yugoslavia ("ICTY").² At his initial appearance on 6 April 2004, Stojić pleaded not guilty to all charges against him.³
- 3. On 29 May 2013, Trial Chamber III of the ICTY found Stojić guilty pursuant to Article 7(1) of the ICTY Statute of numerous counts of grave breaches of the Geneva Conventions of 1949,⁴ violations of the laws or customs of war,⁵ and crimes against humanity,⁶ and sentenced him to 20 years of imprisonment.⁷
- 4. On 29 November 2017, the Appeals Chamber of the ICTY, *inter alia*: (i) reversed a number of Stojić's convictions for certain crimes; (ii) affirmed the remainder of his convictions; and (iii) upheld the sentence of 20 years of imprisonment.⁸
- 5. On 4 June 2018, Stojić was transferred to the Republic of Austria ("Austria") to serve the remainder of his sentence.⁹
- 6. On 11 April 2022, my predecessor denied Stojić's first application for early release on the basis of the high gravity of Stojić's crimes, lack of sufficient signs of rehabilitation, and absent any evidence demonstrating the existence of compelling humanitarian grounds which would warrant

¹ Bruno Stojić's Third Application for Early Release, 17 January 2025 ("Application").

² Prosecutor v. Jadranko Prlić et al., Case No. IT-04-74-T, Judgement, 29 May 2013 (English translation filed on 6 June 2014) ("Trial Judgement"), vol. 4, para. 1331, vol. 5, Annex 2, para. 33.

³ Prosecutor v. Jadranko Prlić et al., Case No. IT-04-74-I, Transcript of 6 April 2004, p. 46. See Trial Judgement, vol. 5, Annex 2, para. 33.

⁴ Stojić was convicted of wilful killing, inhuman treatment, unlawful deportation of a civilian, unlawful transfer of a civilian, unlawful confinement of a civilian, extensive destruction of property not justified by military necessity, and extensive appropriation of property not justified by military necessity and carried out unlawfully and wantonly, as grave breaches of the Geneva Conventions. *See* Trial Judgement, vol. 4, paras. 431-432, 450, p. 430.

⁵ Stojić was convicted of unlawful labour, destruction or wilful damage done to institutions dedicated to religion or education, plunder of public or private property, unlawful attack on civilians, and unlawful infliction of terror on civilians, as violations of the laws or customs of war. *See* Trial Judgement, vol. 4, paras. 431-432, 450, p. 430.

⁶ Stojić was convicted of persecutions on political, racial and religious grounds, murder, rape, deportation, imprisonment, and other inhumane acts, as crimes against humanity. *See* Trial Judgement, vol. 4, paras. 431-432, 450, p. 430.

⁷ Trial Judgement, vol. 4, p. 430.

⁸ *Prosecutor v. Jadranko Prlić et al.*, Case No. IT-04-74-A, Judgement, 29 November 2017 (public with confidential Annex C) ("Appeal Judgement"), vol. 3, pp. 1401-1403.

⁹ See Decision on the Application for Early Release of Bruno Stojić, 11 April 2022 (public redacted) ("Decision of 11 April 2022"), para. 5; Order Designating State in Which Bruno Stojić is to Serve his Sentence, 26 January 2018, p. 1.

overriding this negative assessment.¹⁰ On 17 January 2024, I denied for the same reasons Stojić's second application for early release.¹¹ Stojić's 20-year sentence will expire on 2 September 2027.

II. APPLICATION

- 7. On 17 January 2025, Stojić filed the Application, in which he requests that he be granted conditional early release and indicates that, if released early, he would reside in [REDACTED], Republic of Croatia ("Croatia"). 12
- 8. On 24 January 2025, I requested from the authorities of Austria the information enumerated in paragraphs 10(a) and 10(b) of the Practice Direction.¹³
- 9. On 1 July 2025, I received the requested information from the Austrian authorities. 14
- 10. On 4 August 2025, following the translation of the material received from Austria, I asked the Registrar of the Mechanism ("Registrar"), in accordance with paragraph 12 of the Practice Direction, to communicate to Stojić, in a language that he understands, the material collected in the context of the Application.¹⁵
- 11. On 8 September 2025, Stojić filed submissions regarding the material transmitted to him in relation to the Application.¹⁶
- 12. With regard to the Application, I have consulted with Judge Jean-Claude Antonetti, Judge Carmel Agius, and Judge Liu Daqun in their capacity as Judges of the sentencing Chambers, ¹⁷ in

¹⁰ Decision of 11 April 2022, paras. 87-88.

¹¹ Decision on the Application for Early Release of Bruno Stojić, 17 January 2024 (public redacted) ("Decision of 17 January 2024"), paras. 101-102.

¹² Application, paras. 1, 24, 31, 33, Registry Pagination ("RP") 199.

¹³ Letter from the President to the Ambassador of Austria to the Kingdom of the Netherlands, 24 January 2025 (confidential). *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").

¹⁴ Email communication from the Office of the Registry of the Mechanism ("Registry") to the Office of the President, dated 1 July 2025 (confidential), *transmitting* a letter from the Directorate General on Constitutional and Legal Matters in Prisons of the Federal Ministry of Justice of Austria, dated 1 July 2025 ("Letter of Austrian Authorities") with the following annexes: (i) a report of the ward of the [REDACTED], dated 18 June 2025 ("Ward Report"); (ii) an opinion from the prison psychiatric service, dated 13 June 2025 ("Psychiatric Opinion"); (iii) an opinion from the prison psychological service, dated 6 June 2025 ("Psychological Opinion"); (iv) an opinion from the prison social service, dated 2 June 2025 ("Social Service Opinion"); (v) a planning report from the prison psychological service for the purpose of granting detention privileges, dated 11 March 2025 ("Planning Report"); (vi) a report from the prison medical division, dated 14 June 2024 ("2024 Medical Report"); and (vii) a report from the prison medical division, dated 20 January 2023 ("2023 Medical Report").

¹⁵ Internal Memorandum from the President to the Registrar, dated 4 August 2025 (confidential), para. 1. The material was sent to Stojić on 26 August 2025.

¹⁶ Bruno Stojić's Submission in Accord with the Practice Direction on the Procedure for the Determination of Applications for Pardon, Commutation of Sentence, and Early Release, 8 September 2025 (confidential) ("Comments"). ¹⁷ See generally Trial Judgement; Appeal Judgement.

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 150 of the Rules provides that the President shall, upon receipt of a direct petition from the convicted person, determine, in consultation with any Judges of the sentencing Chamber who are Judges of the Mechanism, whether pardon, commutation of sentence, or early release is appropriate.
- 16. The general standards for granting early release are set out in Rule 151 of the Rules, which states 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 of the Mechanism ("Prosecution").
- 17. Paragraph 5 of the Practice Direction provides that a convicted person may apply directly to the President for pardon, commutation of sentence, or early release, if he or she believes that he or she is eligible.
- 18. Paragraph 10 of the Practice Direction indicates that the President may collect, directly or through the Registry, information which 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. Paragraph 20 of the Practice Direction mentions that, if early release is granted, it may be subject to conditions.
- 20. The enforcement agreement between the United Nations and Austria, ¹⁸ which applies *mutatis mutandis* to the Mechanism, ¹⁹ provides in Article 3(2) that the conditions of imprisonment are governed by the law of Austria, subject to the supervision of the Mechanism. It further states, in Article 8(3), that the President shall determine, in consultation with Judges of the Mechanism, whether an early release, pardon or commutation of sentence is appropriate, and if the President determines that it is not appropriate, Austria shall act accordingly.

IV. ANALYSIS

A. <u>Preliminary Matter</u>

- 21. I recall that, on 17 January 2024, I denied Stojić's previous application for early release after a careful and thorough assessment of his submissions and the detailed information I received from numerous sources. In particular, in reaching my conclusion, I considered information from: (i) the Austrian authorities on Stojić's behaviour and health; (ii) the Croatian authorities where Stojić intends to reside if released early; (iii) the Prosecution on Stojić's co-operation with it, as well as other comments or information of relevance; (iv) certain victims' groups; (v) the Mechanism's Witness Support and Protection Unit ("WISP") on the victims of the crimes for which Stojić was convicted and who testified in his case; and (vi) media reports published in Croatia about Stojić.²⁰
- 22. The Application was filed on 17 January 2025, exactly one year after my last decision. Considering that Stojić's submissions focus on having made, since then, "sufficient improvement in his rehabilitation to justify the current application for [early] release", ²¹ I considered it appropriate to receive from the Austrian authorities updated information, pursuant to paragraphs 10(a) and 10(b) of the Practice Direction, on Stojić's behaviour during his incarceration and any psychiatric or

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¹⁸ Agreement Between the United Nations and the Federal Government of Austria on the Enforcement of Sentences of the International Criminal Tribunal for the Former Yugoslavia, 23 July 1999.

¹⁹ See Security Council Resolution 1966 (2010), 22 December 2010, para. 4.

²⁰ See Decision of 17 January 2024, paras. 10-14, 16, 49-98.

²¹ See Application, para. 7.

psychological evaluations on his mental condition, including any remarks regarding the crimes for which he was convicted and the victims of these crimes.²² However, in view of the recency of the remaining information collected for Stojić's previous application for early release and given that I have no indication of any related material changes, I have decided to rely on that information, including the submissions from the Croatian authorities, the Prosecution, the victims' groups, and the WISP, as well as the media reports, to the extent that they remain relevant for the Application.

B. General Standards for Granting Early Release

23. 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 In this regard, the mere passage of time cannot constitute sufficient grounds for early release.²⁵

1. Gravity of Crimes and Treatment of Similarly-Situated Prisoners

24. In the Decision of 17 January 2024, I conducted a detailed assessment of the gravity of Stojić's crimes and whether he meets the eligibility threshold which applies to all convicted persons serving a sentence under the Mechanism's supervision. As there have been no changes relevant to these factors in the interim, I reaffirm my previous conclusions that: (i) Stojić became eligible for early release upon passing the two-thirds threshold in January 2021;²⁶ and (ii) there is no doubt as to the high gravity of his crimes.²⁷ Lastly, I note that Stojić's 20-year sentence will expire on 2 September 2027.

²³ Prosecutor v. Goran Jelisić, Case No. MICT-14-63-ES, Decision on the Application for Early Release of Goran Jelisić, 13 August 2025 (public redacted) ("Jelisić Decision"), para. 32; Prosecutor v. Mićo Stanišić, Case No. MICT-13-52-ES.2, Decision on the Application for Early Release of Mićo Stanišić, 17 July 2025 (public redacted) ("Stanišić Decision"), para. 31; 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.

²² See supra para. 8.

²⁴ Jelisić Decision, para. 32; Stanišić Decision, para. 31; 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 Jelisić Decision, para. ³²; Stanišić Decision, para. 31; Decision of 17 January 2024, para. 100.

²⁶ Decision of 17 January 2024, paras. 28, 39.

²⁷ Decision of 17 January 2024, paras. 32-38. *See also* Application, para. 15 (wherein Stojić "absolutely acknowledge[s] the gravity of his crimes").

2. Demonstration of Rehabilitation

- 25. A decision on whether to grant an early release application is taken by the President on the basis of the interests of justice and the general principles of law, having regard, *inter alia*, to the criteria specified in Rule 151 of the Rules.²⁸ The prisoner's demonstration of rehabilitation is just one factor to be considered when deciding upon such an application.²⁹
- 26. Before turning to an individualised assessment of Stojić'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, and I find it appropriate to set this out here.³⁰
- 27. 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. This is a non-exhaustive list and convicted persons are not expected to fulfil all of these indicators in order to demonstrate rehabilitation.
- 28. 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.³³ 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.³⁴

²⁸ *See supra* paras. 16, 19.

²⁹ See supra para. 16.

³⁰ *Jelisić* Decision, para. 42; *Stanišić* Decision, para. 45; *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 of 31 December 2019"), paras. 37-41.

³¹ Jelisić Decision, para. 43; Stanišić Decision, para. 46; Bralo Decision of 31 December 2019, para. 39 and references cited therein.

³² Jelisić Decision, para. 43; Stanišić Decision, para. 46; Bralo Decision of 31 December 2019, para. 39.

³³ *Jelisić* Decision, para. 44; *Stanišić* Decision, para. 47; *Bralo* Decision of 31 December 2019, para. 39.

³⁴ Jelisić Decision, para. 44; Stanišić Decision, para. 47; Bralo Decision of 31 December 2019, para. 38.

29. Turning to the extent to which Stojić has demonstrated rehabilitation, I note that the most probative materials before me are: (i) the Application; (ii) the Ward Report; (iii) the Psychiatric Opinion; (iv) the Psychological Opinion; (v) the Social Service Opinion; and (vi) the Planning Report.

(a) Behaviour in Prison

- 30. Good behaviour in prison is the very minimum to be expected of a convicted person while serving his or her sentence.³⁵ In my opinion, such good behaviour cannot on its own demonstrate rehabilitation of a person convicted for some of the most heinous international crimes.³⁶
- 31. Stojić submits that, although his behaviour in prison has been assessed positively already in the Decision of 17 January 2024, he is mindful that such good behaviour cannot demonstrate rehabilitation on its own.³⁷
- 32. According to the information I received from the Austrian authorities, Stojić has demonstrated "irreproachable behaviour without any disciplinary infractions" and is described by guards tasked with his immediate supervision as "adjusted, peaceful and forthcoming". Since 15 April 2025, Stojić has been housed at a day-parole facility with an electronic ankle monitor, following an assessment by the prison's psychological service, which concluded that Stojić was behaving irreproachably in a structured and protective environment and there was no evidence that he would abuse detention privileges in structured circumstances. The granted detention privileges are monitored by the psychological service and no special supervisory measures beyond the mandatory ones have been indicated as needed. I observe that this type of detention regime is meant for persons "scheduled to be released" and serves as a test of the prisoner's stability and reliability in a less protective environment and as preparation for life outside prison. In this regard, the prison's social service expresses a view in favour of Stojić being granted early release.
- 33. In addition, I note that under the current open detention regime, Stojić has regularly completed family visits in the area of [REDACTED] without reproach.⁴⁴ He is also employed as household

³⁵ Jelisić Decision, para. 46; Stanišić Decision, para. 49; Krstić Decision of 15 November 2022, para. 49.

³⁶ Jelisić Decision, para. 46; Stanišić Decision, para. 49; Bralo Decision of 31 December 2019, para. 38.

³⁷ Application, para. 21. See Decision of 17 January 2024, para. 55.

³⁸ Ward Report, pp. 1-2. See also Letter of Austrian Authorities, p. 1; Social Service Opinion, p. 1.

³⁹ Planning Report, p. 8. In considering findings made in the Planning Report by the prison's psychological service, I am mindful of the report's limited purpose to provide a risk assessment specifically for the easing of detention-related restrictions for a limited, foreseeable period of time. *See* Planning Report, pp. 1, 8-9.

⁴⁰ Psychological Opinion, p. 1.

⁴¹ Social Service Opinion, p. 1.

⁴² Planning Report, p. 8.

⁴³ Social Service Opinion, p. 1. See also Planning Report, pp. 8-9.

⁴⁴ Psychiatric Opinion, p. 2; Psychological Opinion, p. 1; Planning Report, p. 7.

keeper, exhibiting very good work performance, as was also the case in his previous occupation at the prison's gardening shop.⁴⁵

34. Based on the available information, Stojić's behaviour in prison has been very good without any disciplinary incident. I note in particular that he has continued demonstrating very good behaviour while being in an open detention regime in the past approximately six months. However, as set out above and as Stojić himself acknowledges, good behaviour in prison cannot on its own demonstrate rehabilitation of a person convicted for some of the most heinous international crimes.⁴⁶ 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

- 35. 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, however, any notable difference between the role a convicted person ascribes to himself or herself, and the role actually played, can suggest a lack of sufficient critical reflection upon his or her crimes.⁴⁷
- In my view, a statement made or referred to in support of an early release application should 36. not be considered in isolation from its greater context. 48 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.⁴⁹ Tangible evidence of rehabilitation is indeed a crucial aspect, which helps to differentiate genuine expressions of remorse or regret from more opportunistic ones.⁵⁰
- 37. Stojić submits that he expresses his genuine remorse and regret, has "sincerely accepted" the conclusions of the Decision of 11 April 2022 and the Decision of 17 January 2024, and "by all means

⁴⁶ See supra para. 30.

⁴⁵ Letter of Austrian Authorities, p. 1; Ward Report, pp. 1-2; Psychiatric Opinion, p. 2.

⁴⁷ Jelisić Decision, para. 51; Stanišić Decision, para. 53; 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.

⁴⁸ Prosecutor v. Jadranko Prlić, Case No. MICT-17-112-ES.2, Decision on the Application for Early Release of Jadranko Prlić, 7 March 2025 (public redacted) ("Prlić Decision"), para. 49; 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) ("Krstić Decision of 3 February 2025"), para. 38; Krstić Decision of 15 November 2022, para. 61.

⁴⁹ Prlić Decision, para. 49; Krstić Decision of 3 February 2025, para. 38; Krstić Decision of 15 November 2022, para. 61. ⁵⁰ Jelisić Decision, para. 51; Prlić Decision, para. 49; Prosecutor v. Miroslav Bralo, Case No. MICT-14-78-ES, Decision on the Application for Early Release of Miroslav Bralo, 28 December 2023 (public redacted), para. 62.

undertook to continue with the rehabilitation process with the aim of achieving the required level of that process".⁵¹ In particular, he continued his "active and voluntary" participation in the rehabilitation programme and attended numerous individual sessions with a psychologist, during which he addressed his personal role in the commission of the crimes for which he was convicted.⁵² According to Stojić, these actions have resulted in him having fully accepted his individual responsibility both for the crimes for which he was convicted and all actions of the joint criminal enterprise which enabled the commission of those crimes.⁵³

- 38. The Austrian authorities submit that Stojić has undergone "positive changes" during his imprisonment, starting from "rationalisation and externalisation" of his crimes to "currently clearly accept[ing] responsibility" and appearing aware of the influential role he played at the time.⁵⁴ Stojić has, according to both the prison's psychological and the psychiatric services, "extensive understanding of his conviction, his active role in the commission of crimes, and the consequences for the victims".⁵⁵
- 39. Discussing his mental state at the time of the commission of the crimes with the prison's psychological service, Stojić accepts that "maintaining the country's own borders and identity" were the "goals and reasons for the war time operations" and that, as a defence minister, he often heard about war crimes, but "allowed them to happen, never spoke out against them, and even consciously participated in decision-making from behind his desk for these to be carried out". ⁵⁶ He further states that he believed that he was doing the right thing at the time, "since the other side did similar things and he believed that this was the only way to achieve their political goals". ⁵⁷
- 40. According to the prison's psychological service, Stojić today assesses these decisions as wrong, expresses disappointment in himself and the decisions he made, "is aware that he was an important member of the regime and acknowledges his primary responsibility for the serious crimes against humanity". Moreover, Stojić seems to be aware of "the full extent of the consequences of his actions and the decisions he made then, and which he would make differently from today's perspective". The psychological service further opines that Stojić's statements about the conflict reveal a "credible empathy for the victims and credible remorse" and that "[d]uring the discussions,

⁵¹ Application, paras. 10, 13-14, 16-17.

⁵² Application, paras. 10, 16, 18.

⁵³ Application, paras. 14, 16-17. *See also* Comments, paras. 2-3, 5.

⁵⁴ Planning Report, p. 6.

⁵⁵ Psychological Report, pp. 1-2; Psychiatric Opinion, p. 2; Ward Report, p. 2.

⁵⁶ Planning Report, p. 2.

⁵⁷ Planning Report, p. 2.

⁵⁸ Planning Report, pp. 2-3.

⁵⁹ Ward Report, p. 2; Psychological Opinion, p. 2.

⁶⁰ Ward Report, p. 2; Psychological Opinion, p. 2.

[Stojić] was able to understand the serious consequences for the victims, and [...] to convey empathy and remorse – to the best of his ability. He regrets what he did and is aware of the great suffering he caused to others".⁶¹ During one of the sessions with the prison's psychiatric service, Stojić is quoted to have said:

I am guilty, I accept my responsibility. When I think about the victims of the war and the atrocities (killings, rape, etc.) I want to sink into the ground. I have to live with that, that I cannot undo it. I wish there would be no war again, neither in Croatia nor anywhere else in the world. If I could turn back time, I would decline these positions and try to leave the country with my family.⁶²

- 41. The prison's psychological service further provides that, "[i]n [Stojić's] interpersonal contact, a generally reduced ability to express emotions and the ability to perceive the full range of his own emotional impulses are evident. In addition, a lack of empathy can be observed, which is most pronounced in his disregard for the feelings of others and prioritising of his own needs. However, if [he] is made aware of the concerns of other people or the consequences for them, he will be able to perceive their needs and question his behaviour to the best of his ability". The prison's psychological service is also of the opinion that Stojić's clear national pride is no longer evident in conversations and that, instead, he comes across as "open and appreciative of other cultures and nations". The prison's open and appreciative of other cultures and nations".
- 42. From the perspective of forensic psychology and forensic psychiatry, no criminogenic risk factors for repeat offending have been observed in Stojić.⁶⁵ While there was a moderately high risk at the time of the crimes for the commission of other crimes motivated by extremist ideology due to existing ideological beliefs, social context, and the intentions that existed at the time, based on the current circumstances, including Stojić's willingness to reflect on his own actions and responsibility for far-reaching consequences as well as his ideological re-interpretation, the risk of him committing further crimes motivated by extremist ideology is rated as low.⁶⁶ According to the Austrian authorities, there is currently no indication that granting Stojić early release "would be less of a deterrent to [him] from commission of crimes than continuing to serve his sentence".⁶⁷ The prison's psychological service also confirms that Stojić "has completed processing his crimes".⁶⁸

⁶¹ Planning Report, p. 3.

⁶² Psychiatric Opinion, p. 2.

⁶³ Planning Report, p. 4.

⁶⁴ Planning Report, p. 7.

⁶⁵ Psychological Opinion, p. 2; Psychiatric Opinion, p. 2; Planning Report, pp. 5, 7.

⁶⁶ Planning Report, p. 5.

⁶⁷ Planning Report, pp. 8-9.

⁶⁸ Ward Report, p. 2; Psychological Opinion, p. 1.

- 43. In my Decision of 17 January 2024, I highlighted as indicator of Stojić's insufficient critical reflection of his crimes and overall rehabilitation, his "failure to fully accept the role he was found to have actually played in the crimes", considering the notable difference between the passive role he ascribed to himself and the more active role he was found to have actually played in the crimes.⁶⁹ I also pointed to the rapid turnaround in his acceptance of the crimes and responsibility since the previous decision denying him early release, which left me with lingering doubts as to Stojić's acceptance of responsibility and the genuine character of his expressions of remorse and regret.⁷⁰
- 44. I observe that the Application was filed exactly one year after my previous decision denying Stojić early release. Stojić submits that, since then, he undertook "all possible steps to attain [the] rehabilitation process available to him including consistent treatment with psychiatrist and psychologist from the [prison's psychiatrist and psychologist services] under his own initiative". Stojić has indeed decided to engage further, following the Decision of 17 January 2024, in intensive consultations with the prison's psychological and psychiatric services with a specific focus on processing his crimes, including his role and accepting his responsibility. The stopic focus of the prison of th
- 45. Determining the degree of rehabilitation of a convicted person, especially when convicted for international crimes which additionally have ideological and political dimensions, is a complex task and I am mindful of a convicted person's awareness that his interactions with prison authorities are monitored for the purposes of early release. Nevertheless, in attempting to assess the sincerity of a convicted person's expressions of remorse and regret, the evaluations provided by psychological and psychiatric prison services in enforcement States can play an important role, both due to their expertise in analysing a person's mental state and having had the opportunity to observe a convicted person for several years.
- 46. In this case, in addition to Stojić's own acknowledgement of his personal responsibility and that of the joint criminal enterprise, and of the consequences his conduct had on the victims of his crimes, the Austrian authorities confirm that Stojić now fully accepts his influential role, the responsibility for his actions and decisions, and the fact that they served broader goals. I have no indication from the Austrian authorities that, at this point, Stojić attempts to distance himself from his personal role in the crimes for which he was convicted. Importantly, the authorities confirm that Stojić has completed processing his crimes.

⁶⁹ Decision of 17 January 2024, paras. 63-67.

⁷⁰ Decision of 17 January 2024, para. 67.

⁷¹ Application, paras. 10, 13-14, 16-17.

⁷² Planning Report, p. 6. *See also* Application, para. 7. Stojić had engaged in such consultations between May 2022 and January 2023 and further, after the issuance of the Decision of 17 January 2024, between June and November 2024. *See* Planning Report, p. 6.

- 47. I recall in this regard that rehabilitation is a process, rather than a definite result.⁷³ In both the Decision of 11 April 2022 and the Decision of 17 January 2024, my predecessor and I, respectively, assessed that Stojić had shown some signs of progress towards achieving the rehabilitation required for warranting early release.⁷⁴ Indeed, already in his public letter submitted in support of his previous application for early release, Stojić referred with considerable detail to the specific crimes for which he was convicted, when expressing his remorse for them.⁷⁵ He also elaborated on how his crimes have affected the victims⁷⁶ and appeared to be aware of how his "sincere remorse [...] can [...] contribute to reconciliation between all peoples of Bosnia and Herzegovina, which should be the highest priority".⁷⁷
- 48. Furthermore, according to the prison's psychological service, Stojić has been exhibiting "for many years already" awareness that "he caused suffering to innocent people", regret, and acceptance of his full responsibility for his political decisions during the conflict "without externalising, rationalising or trivialising them". This attitude has, however, apparently been reinforced by recent conflicts, as, when watching the news, he "cannot understand how he supported similar actions [in the past]". The past of t
- 49. The professional evaluation and assessments of the prison's psychological and psychiatric services concerning Stojić's efforts at rehabilitation are remarkable. These professionals have been engaging with Stojić for a number of years in his processing of his past criminal conduct and have had an insider view of his rehabilitation process. Their expertise on the subject of rehabilitation,

⁷³ Decision of 17 January 2024, para. 66.

⁷⁴ Decision of 17 January 2024, para. 67 (wherein I noted that "Stojić has taken positive steps towards his rehabilitation while in prison in Austria, [and] his willingness to engage with the services offered at the prison and his [personal statement] are evidence of progress and go in the right direction"); Decision of 11 April 2022, para. 64 (wherein my predecessor noted that "Stojić has shown some signs of empathy and remorse for the victims of the war, including the Muslim victims, and has expressed his respect for the territorial integrity of Bosnia and Herzegovina, all of which is to be commended"). *See also* Comments, para. 4.

⁷⁵ Bruno Stojić's Second Application for Early Release, 7 December 2022 (public with public Annexes[sic] A and Confidential Annex B), Annex A ("Letter of Remorse"), RP 104:

I wish to underline that my public and sincere remorse for everything I did, and for everything I was a part of, relates to killings of civilians and members of [the Armed Forces of the Republic of Bosnia and Herzegovina], rapes, detention and systematic, forceful expulsion of Bosniaks/Muslims, including children, women and elderly, as well as for destruction of their property and their systematic and forceful expulsion. It also relates to the siege of Mostar and all the sufferings the siege brought to Bosniak/Muslim population, including shelling, sniping, food and water shortages, as well as obstruction of the delivery of humanitarian aid. Without trying to undermine any of these crimes, I also wish to express my deepest remorse for crimes committed in detention camps and prisons in Ljubuski, Heliodrom, Dretelj and Gabela.

⁷⁶ Letter of Remorse, RP 103 ("The sentence I am serving here represents only a part of my remorse and apology to the Bosniak people for all the pain and casualties they have suffered, while I will probably never have the opportunity to express that most profound part of my remorse. Because losses and casualties of the Bosniak people are irreplaceable"; "In the eyes of Bosniaks I will always remain a criminal, a villain, until the end of my life, and this is something I must live with. Due to this I feel the need to express my sincere regret and remorse, and ask for their forgiveness for all the injustice I inflicted upon them").

⁷⁷ Letter of Remorse, RP 103.

⁷⁸ Planning Report, pp. 6-7.

⁷⁹ Planning Report, pp. 6-7.

coupled with the detailed reporting and explanations provided in this regard, warrant considerable deference in the assessment of Stojić's rehabilitation.

50. On the basis of the information before me, I consider that Stojić has, through the intensive psychological treatment, which he has continued to undertake voluntarily, deepened his critical reflection on his role in the commission and the consequences of the crimes for which he was convicted, and has demonstrated full acceptance of his responsibility. Accordingly, in my view, he has reached an appropriate level of rehabilitation.

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

- 51. According to the information received from the Austrian authorities, Stojić does not suffer from any mental illness⁸⁰ and is "psychologically stable".⁸¹
- 52. With respect to the prospects of successful reintegration into society, I note that Stojić has maintained his ties with his family and receives regular visits from them, most recently during accompanied outings. 82 Overall, his family presents itself "as a stable and supportive social contact" and, if released, Stojić can live in [REDACTED] and will be entitled to a pension. 83 Stojić submits that he "unconditionally" accepts any conditions imposed on him and commits to keeping a low profile in Croatia. 84 He has specifically stated to the Austrian authorities that he does not wish to seek another political position, which, according to the authorities, would have in any event been unrealistic given his advanced age. 85
- 53. I take note that Stojić has retained close ties with his family, is psychologically stable, and, if released, has financial means to support himself and has committed to keeping a low profile. 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

54. I consider that there are a number of indicators demonstrating that Stojić has reached a sufficient level of rehabilitation that would support early release. In this regard, I place particular emphasis on the Austrian authorities' assessment of Stojić's acceptance of his personal responsibility for the crimes for which he was convicted, his expression of regret for the consequences his actions

⁸⁰ Psychological Opinion, p. 2; Psychiatric Opinion, p. 2.

⁸¹ Psychiatric Opinion, p. 2.

⁸² Planning Report, pp. 3, 6-7. See also supra para. 33; Letter of Austrian Authorities, p. 1.

⁸³ Planning Report, pp. 3, 6-7.

⁸⁴ Application, paras. 10, 22-31.

⁸⁵ Planning Report, p. 6. See also Planning Report, p. 8.

had on the victims of his crimes, and his signs of critical reflection. In addition, I give some weight to his very good behaviour in prison, including during his recent placement in an open detention regime. Finally, I believe, on the basis of the information before me, that Stojić would be able to successfully reintegrate into society if released early.

3. Substantial Cooperation with the Prosecutor

55. I recall that Stojić's lack of cooperation with the Prosecution or the ICTY Prosecution merits no weight in my consideration.⁸⁶

C. Other Considerations

1. Health of the Convicted Person

- 56. Previous decisions have taken into account the state of the convicted person's health in the context of an early release application.⁸⁷ 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.⁸⁸
- 57. Stojić submits that nothing has changed in his health.⁸⁹ The Austrian authorities submit that [REDACTED],⁹⁰ [REDACTED],⁹¹ [REDACTED].⁹² In addition, [REDACTED].⁹³
- 58. In light of the information before me, I find no indication that Stojić's health may be an impediment to his continued imprisonment. I have, nevertheless, taken the information on Stojić's health into account in reaching my decision on the Application, as part of my overall assessment of the various factors.

2. Consultation

59. In coming to my decision on whether to grant the Application, I have consulted with three other Judges of the Mechanism in accordance with Rule 150 of the Rules and paragraph 16 of the

⁸⁶ Decision of 17 January 2024, para. 73.

⁸⁷ *Jelisić* Decision, para. 81; *Stanišić* Decision, para. 78; *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.

⁸⁸ *Jelisić* Decision, para. 81; *Stanišić* Decision, para. 78; *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.

⁸⁹ Application, para. 22.

⁹⁰ Planning Report, p. 4.

⁹¹ 2024 Medical Report, p. 1. See also Psychiatric Opinion, pp. 1-2; 2023 Medical Report, p. 1.

⁹² 2024 Medical Report, p. 1; Psychological Opinion, p. 2. See also 2023 Medical Report, p. 1.

⁹³ Psychological Opinion, p. 2. See also 2023 Medical Report, p. 1.

Practice Direction. ⁹⁴ Judge Antonetti highlights that Stojić has always maintained a dignified and compassionate attitude towards the victims during the proceedings, and that, having already served seven-eighths of his 20-year sentence, has almost completely served his sentence. He also expresses the view that it is time for the actors of the period during which the crimes within the ICTY's jurisdiction were committed in Bosnia and Herzegovina to demonstrate through their active behaviour in social reintegration that peace is definitive. Judge Agius opines that, taken together, all the factors relevant for the assessment of Stojić's rehabilitation indicate that he has reached a sufficient level of rehabilitation that warrants his conditional early release. Judge Liu similarly underlines Stojić's active and voluntary attendance to numerous individual sessions with a psychologist, during which he addressed his personal role in the commission of the crimes for which he was convicted, as well as the absence of any risk factors for repeat offending from the perspectives of forensic psychology and forensic psychiatry. All three Judges agree that the Application should be granted.

60. 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

61. I am of the opinion that the Application should be granted subject to the conditions set out in the annexed Conditional Early Release Agreement ("Agreement"). The gravity of Stojić's crimes is high and weighs against granting early release. However, there are a number of positive factors that weigh in favour of early release, including his: (i) acceptance of personal responsibility for the crimes for which he was convicted; (ii) expression of regret for the consequences his actions had on the victims of his crimes; (iii) signs of critical reflection; (iv) very good behaviour in prison; and (v) good prospects of successful reintegration. Taken together, all the relevant factors convince me that Stojić has reached a sufficient level of rehabilitation that warrants his conditional early release. I would, nevertheless, encourage Stojić to continue, even following his early release, to reflect on his conduct and responsibility and to consider concrete steps he could take to facilitate reconciliation.

VI. DISPOSITION

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

⁹⁴ See supra para. 12.

63. The Registrar is **DIRECTED** to provide the authorities of Austria and Croatia, as well as the Prosecution, with the confidential redacted version of this decision as soon as practicable, and liaise with the authorities of Croatia to obtain and file its confirmation that all conditions of the Agreement will be monitored and complied with. In the event that Stojić agrees with, signs, and submits to the Registry the original signed Agreement (both the authoritative English version and the official Bosnian/Croatian/Serbian translation), and Croatia files the necessary confirmation, the Registrar is hereby **DIRECTED** to take all necessary measures to facilitate Stojić's transfer as expeditiously as possible to Croatia. Should Stojić be transferred to Croatia, and following receipt of information from the Croatian authorities that Stojić has arrived at his place of residence in Croatia, the Registrar is further **DIRECTED** to recirculate as a public filing the confidential redacted version of this Decision and to file the signed Agreement as a public document.

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

Done this 3rd day of November 2025, At The Hague, The Netherlands.

Judge Graciela Gatti Santana President

[Seal of the Mechanism]



ANNEX

CONDITIONAL EARLY RELEASE AGREEMENT

Name:	Date of Birth:

I, the undersigned, declare that:

- 1. I have received the authoritative English version of this document, as well as the official translation into Bosnian/Croatian/Serbian ("BCS"), and have been advised by my recognised Counsel with regard to its contents, including the individual conditions set forth herein.
- 2. I have read, understand, and agree to comply fully with all conditions of my early release, as set forth below.
- 3. I agree to comply fully with all of the following conditions:
 - A. I shall remain under the supervision of a monitoring authority designated by the Republic of Croatia ("Monitoring Authority" and "Croatia", respectively) during the remainder of my sentence until its completion on 2 September 2027;
 - B. I shall comply with any requirement made of me by the Monitoring Authority, including contact an agent of the Monitoring Authority as requested;
 - C. I shall notify the Mechanism and the Monitoring Authority of my address of residence in Croatia, as well as give 14 days' notice of any change of residence;
 - D. I shall be subject to surveillance undertaken by authorised officials of the Monitoring Authority throughout my presence in Croatia;
 - E. I shall surrender all my travel documents to the Monitoring Authority for the entire duration of my conditional release;
 - F. If I intend to travel outside Croatia, I will notify the Monitoring Authority beforehand so that it may seek a direction from the President of the International Residual Mechanism for Criminal Tribunals ("President" and "Mechanism", respectively), who will ultimately have the discretion to approve or not approve such travel;
 - G. I shall surrender to the Croatian authorities with a view to being transferred to the custody of the Mechanism, should the President so order for any reason;
 - H. I shall have no contact whatsoever with or, directly or indirectly, try to harm, intimidate, or otherwise interfere with, victims or witnesses who testified in my case or other cases before the International Criminal Tribunal for the former Yugoslavia ("ICTY") or the Mechanism and/or members of their respective families, with the sole exception being contact with witnesses who testified in my own defence;
 - I. I shall not interfere in any way with the proceedings of the Mechanism or the administration of justice;



- J. I shall not violate any orders issued by the ICTY or the Mechanism, and shall not otherwise reveal the confidential identities of witnesses or potential witnesses in any way;
- K. I shall not discuss my case, including any aspect of the events in the former Yugoslavia that were the subject of my case, with the media, through social media, or with anyone other than my Counsel, unless this has been specifically authorised in advance by the President;
- L. I shall not make any statement denying the crimes over which the ICTY had jurisdiction, and over which the Mechanism retains jurisdiction, that were committed during the conflict in the former Yugoslavia;
- M. I shall under no circumstances, directly or indirectly, express publicly any agreement with, or otherwise contribute in any way to, the glorification of persons convicted by the ICTY or the Mechanism;
- N. I shall conduct myself honourably and peacefully in the community in which I will reside, and shall not engage in meetings or associations intended to plan civil unrest or actively engage in any political activities except for voting;
- O. I shall deposit any firearms and other weapons requiring a licence with the Croatian authorities as designated by the Monitoring Authority, and shall not purchase, possess, use, or handle any firearms or other weapons requiring a license;
- P. I shall not commit any offence that is punishable by any term of imprisonment, nor shall I publicly or privately incite or promote such an offence;
- Q. I shall notify the Monitoring Authority of any arrest, summons, or questioning by a law enforcement officer; and
- R. I shall continue to make efforts to contribute to my rehabilitation and resocialisation.
- 4. I understand and agree that I shall be subject to the conditions stated herein, unless they are revoked or modified, until the completion of my sentence.
- 5. I understand and agree that any change in the foregoing conditions can only be authorised by the President.
- 6. I understand and agree that if I violate or otherwise fail to comply fully with any of the conditions set out in this agreement, then my early release may be revoked at the sole discretion of the President.
- 7. I understand and accept that as a condition of my early release, Croatia is obligated to:
 - a. register my final conviction by the ICTY in my criminal record in Croatia;
 - b. designate a Monitoring Authority to supervise my conditional release in Croatia;
 - c. monitor and enforce the above-mentioned conditions;



- d. report, within 24 hours, any failure by me to comply with these conditions;
- e. arrest me immediately should I breach any conditions of this agreement;
- f. transfer me immediately to the custody of the Mechanism following a request by the Mechanism to do so;
- g. submit written reports to the Mechanism every three months on my adherence to the conditions of my release;
- h. ensure my personal security and safety while on conditional release in Croatia;
- i. report immediately to the Mechanism any threats to the security of any person as a consequence of my conditional release in Croatia;
- j. revoke any licenses for firearms or other weapons that I may possess and ensure that no new licences are issued to me until the expiration of my sentence; and
- k. cover any expenses that may arise in connection with my conditional release in Croatia.
- 8. I understand that once I have signed the authoritative English version of this document, as well as the official BCS translation, the original signed document (in both languages) is to be provided to the Registry of the Mechanism, which will subsequently file it publicly on the judicial record in the case *Prosecutor v. Bruno Stojić*, Case No. MICT-17-112-ES.3, and that until I have been transferred to my place of residence, this matter must remain confidential for reasons of security.

Signature:	 _
Name:	
Date:	
Witnessed by:	
Signature:	
Name:	
Date:	

International Residual Mechanism for Criminal Tribunals



NATIONS UNIES Mécanisme international appelé à exercer les fonctions résiduelles des Tribunaux pénaux

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