



International Residual Mechanism  
for Criminal Tribunals

Case No.: MICT-14-63-ES

Date: 13 August 2025

Original: English

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**THE PRESIDENT OF THE MECHANISM**

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

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

**Decision of: 13 August 2025**

**PROSECUTOR**

**v.**

**GORAN JELISIĆ**

***PUBLIC REDACTED VERSION***

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**DECISION ON THE APPLICATION  
FOR EARLY RELEASE OF GORAN JELISIĆ**

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**Mr. Goran Jelisić**

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 submitted by Mr. Goran Jelisić (“Jelisić”), which was filed on the judicial record on 27 February 2025<sup>1</sup> and supplemented on 27 March 2025.<sup>2</sup>

## I. BACKGROUND

2. On 22 January 1998, Jelisić was arrested and immediately transferred to the United Nations Detention Unit (“UNDU”) in The Hague, Kingdom of the Netherlands (“Netherlands”).<sup>3</sup> At his initial appearance on 26 January 1998, Jelisić pleaded not guilty to all counts.<sup>4</sup> However, subsequently, on 29 October 1998, he entered a plea of not guilty to a count of genocide and pleaded guilty to 31 counts comprising violations of the laws or customs of war and crimes against humanity.<sup>5</sup> Trial Chamber I of the International Criminal Tribunal for the former Yugoslavia (“Trial Chamber” and “ICTY”, respectively) was satisfied that the guilty plea entered by Jelisić was voluntary, informed, and unequivocal.<sup>6</sup>

3. On 19 October 1999, the Trial Chamber acquitted Jelisić of the count of genocide, and declared him guilty of the crimes he had admitted to in his guilty plea, namely 16 counts of violations of the laws or customs of war, comprising murder, cruel treatment and plunder, and 15 counts of crimes against humanity, comprising murder and other inhumane acts.<sup>7</sup> On 14 December 1999, the Trial Chamber sentenced him to 40 years of imprisonment.<sup>8</sup>

4. On 5 July 2001, the Appeals Chamber of the ICTY affirmed Jelisić’s sentence.<sup>9</sup>

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<sup>1</sup> Registrar’s Submission of an Application for Early Release Received from Goran Jelisić, 27 February 2025 (confidential) (“Registrar’s Submission”), Annex C (“Application”). A public redacted version of the Application was filed on the same day. See Registrar’s Submission of an Application for Early Release Received from Goran Jelisić, 27 February 2025, Annex B.

<sup>2</sup> Registrar’s Supplemental Submission Further to the “Registrar’s Submission of an Application for Early Release Received from Goran Jelisić” of 27 February 2025, 27 March 2025 (confidential), Annex (“Supplement”).

<sup>3</sup> *Prosecutor v. Goran Jelisić*, Case No. IT-95-10-T, Judgement, 14 December 1999 (“Trial Judgement”), para. 5. The English version of the Trial Judgement was filed on 14 January 2000. All references to the Trial Judgement are to the English version.

<sup>4</sup> *Prosecutor v. Goran Jelisić*, Case No. IT-95-10-PT, Transcript of 26 January 1998, pp. 31-42.

<sup>5</sup> *Prosecutor v. Goran Jelisić*, Case No. IT-95-10-PT, Transcript of 29 October 1998, pp. 241-258; Trial Judgement, para. 24.

<sup>6</sup> *Prosecutor v. Goran Jelisić*, Case No. IT-95-10-PT, Transcript of 29 October 1998, pp. 266-267; Trial Judgement, paras. 11, 26-27, 58.

<sup>7</sup> *Prosecutor v. Goran Jelisić*, Case No. IT-95-10-T, Transcript of 19 October 1999, pp. 2237-2238, 2241. See also Trial Judgement, paras. 16, 108-109, 138.

<sup>8</sup> Trial Judgement, para. 139.

<sup>9</sup> *Prosecutor v. Goran Jelisić*, Case No. IT-95-10-A, Judgement, 5 July 2001 (“Appeal Judgement”), p. 41.

5. On 29 May 2003, Jelisić was transferred to the Italian Republic (“Italy”) to serve his sentence.<sup>10</sup> He was subsequently transferred on a temporary basis from Italy to the UNDU,<sup>11</sup> and then to the Kingdom of Belgium (“Belgium”) to serve the remainder of his sentence.<sup>12</sup>

6. Jelisić applied for early release on two prior occasions, with my predecessors denying the applications on 22 May 2017<sup>13</sup> and 11 March 2021<sup>14</sup> on the basis that Jelisić had not reached the two-thirds eligibility threshold at that time and that no compelling or exceptional circumstances had been provided which would have warranted granting him early release prior to having served two-thirds of his sentence.

## II. APPLICATION

7. On 10 October 2024, the Registrar of the Mechanism (“Registrar”) conveyed to me the Application.<sup>15</sup> The Application is accompanied by: (i) a psychiatric report, dated 15 February 2024;<sup>16</sup> (ii) a medical report, dated 1 April 2022;<sup>17</sup> (iii) a letter of recommendation from Jelisić’s previous employer in Italy;<sup>18</sup> and (iv) a communication confirming Jelisić’s participation in a Dutch language course.<sup>19</sup> Jelisić indicates that, if released early, he would reside in [REDACTED], Republic of Serbia (“Serbia”).<sup>20</sup>

8. On 18 October 2024, I asked the Registry of the Mechanism (“Registry”) for certain information pursuant to paragraph 10(g) of the Practice Direction.<sup>21</sup>

<sup>10</sup> See ICTY Press Release, Goran Jelisić Transferred to Italy to Serve Prison Sentence, 29 May 2003, <https://www.icty.org/en/press/goran-jelisc-transferred-italy-serve-prison-sentence>. See also *Prosecutor v. Goran Jelisić*, Case No. IT-95-10-A, Order Designating the State in Which Goran Jelisić is to Serve his Prison Sentence, 21 August 2001, p. 3; *Prosecutor v. Goran Jelisić*, Case No. IT-95-10-ES, Amended Order Designating the State in Which Goran Jelisić is to Serve his Sentence, 2 April 2003, p. 2.

<sup>11</sup> See Order for the Transfer of Goran Jelisić to the United Nations Detention Unit on a Temporary Basis, 25 November 2022, p. 2.

<sup>12</sup> See Order Designating the State in Which Goran Jelisić is to Serve the Remainder of his Sentence, 3 March 2023, p. 2.

<sup>13</sup> Public Redacted Version of 22 May 2017 Decision of the President on Recognition of Commutation of Sentence, Remission of Sentence, and Early Release of Goran Jelisić, 11 August 2017 (“Decision of 11 August 2017”), paras. 58-59.

<sup>14</sup> Decision on Sentence Remission and Early Release of Goran Jelisić, 11 March 2021 (“Decision of 11 March 2021”), paras. 54-55.

<sup>15</sup> Internal Memorandum from the Registrar to the President, dated 10 October 2024 (confidential). The Application was later filed on the judicial record, as required by paragraphs 5 and 6 of the Practice Direction on the Procedure for the Determination of Applications for Pardon, Commutation of Sentence, or Early Release of Persons Convicted by the ICTR, the ICTY, or the Mechanism, MICT/3/Rev.4, 1 July 2024 (“Practice Direction”). See *supra* fn. 1.

<sup>16</sup> Registrar’s Submission, Annex D, Registry Pagination (“RP”) 123-122 (“2024 Psychiatric Report”).

<sup>17</sup> Registrar’s Submission, Annex D, RP 118 (“2022 Medical Report”).

<sup>18</sup> Registrar’s Submission, Annex D, RP 120.

<sup>19</sup> Registrar’s Submission, Annex D, RP 121 (“Dutch Course Attendance Confirmation”).

<sup>20</sup> Supplement, RP 174.

<sup>21</sup> Internal Memorandum from the President to the Registrar, dated 18 October 2024 (confidential), paras. 4-5.

9. On 11 November 2024, I requested the information enumerated in paragraphs 10(a) to 10(c) and 10(f) of the Practice Direction from the Belgian authorities.<sup>22</sup>
10. On 19 December 2024, the Registrar communicated to me an overview of media reports concerning Jelisić that had been published in the region of the former Yugoslavia in the past two years and a list of victims' associations related to the crimes for which Jelisić was convicted.<sup>23</sup>
11. On 21 February 2025, I received the requested information from the Belgian authorities.<sup>24</sup>
12. On 5 March 2025, I asked the Office of the Prosecutor of the Mechanism ("Prosecution"), pursuant to paragraph 10(e) of the Practice Direction, for a detailed report on any co-operation of Jelisić with it or the Prosecution of the ICTY and the significance thereof, as well as any other comments or information that the Prosecution considers of relevance for the determination of the Application.<sup>25</sup>
13. On 28 March 2025, I invited the Serbian authorities to, *inter alia*, provide any views that they may wish to offer with regard to the Application and Jelisić's indication that he would reside in [REDACTED], Serbia, if released early, and indicate whether they would be willing to monitor any conditions imposed by the Mechanism in the event of an early release in this case, and give guarantees to this effect.<sup>26</sup>
14. On 2 April 2025, I received a memorandum from the Prosecutor of the Mechanism ("Prosecutor") providing comments and information in relation to the Application.<sup>27</sup>
15. On 8 April 2025, the Registrar provided me with a strictly confidential memorandum from the Witness Support and Protection Unit of the Mechanism ("WISP"), conveying information

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<sup>22</sup> Letter from the President to the Head of the Belgian Central Authority for Cooperation with International Criminal Courts and Mechanism, dated 11 November 2024 (confidential).

<sup>23</sup> Internal Memorandum from the Registrar to the President, dated 19 December 2024 (confidential), *transmitting* Internal Memorandum from the Public Information Officer, Hague branch, to the Registrar, dated 13 December 2024.

<sup>24</sup> Email communication from the Attaché of the Belgian Central Authority for Cooperation with International Criminal Courts and Mechanisms to the President, dated 21 February 2025 (confidential), *transmitting, inter alia*: (i) a report of the Psychosocial Service of the Psychology Department of the Penitentiary Institution of [REDACTED], dated 24 January 2025 ("Psychosocial Report"); (ii) a psychiatric report from the [REDACTED] Healthcare Service, dated 23 January 2025 ("2025 Psychiatric Report"); (iii) a medical report from a civilian hospital, dated 7 November 2024; (iv) a medical report from the [REDACTED] Healthcare Service, dated 24 January 2025; and (v) a summary of Jelisić's medical file from the UNDU, dated 17 April 2023.

<sup>25</sup> Internal Memorandum from the President to the Prosecutor, dated 5 March 2025 (confidential), para. 2.

<sup>26</sup> Invitation to the Republic of Serbia Related to the Application for Early Release of Goran Jelisić, 28 March 2025 (confidential and *ex parte*), p. 2.

<sup>27</sup> Internal Memorandum from the Prosecutor to the President, dated 2 April 2025 (confidential) ("Prosecution Memorandum"). The Prosecution Memorandum also includes a list of victims' associations. *See* Prosecution Memorandum, Annex A.

concerning the victims of the crimes for which Jelisić was convicted and who provided evidence in his case.<sup>28</sup>

16. On 10 April 2025, I asked the Registry to invite relevant victims' associations to submit their views on the Application if they so wished.<sup>29</sup>

17. On 26 May 2025, I received a *note verbale* from the Embassy of Serbia to the Netherlands, conveying the requested information.<sup>30</sup>

18. On 27 May 2025, the Registrar communicated to me the responses received from four victims' associations ("Victims' Associations").<sup>31</sup>

19. On 30 May 2025, I asked the Registrar, in accordance with paragraph 12 of the Practice Direction, to communicate to Jelisić, in a language that he understands, selected material collected in the context of the Application.<sup>32</sup>

20. On 10 July 2025, I received Jelisić's submissions regarding the material transmitted to him in relation to the Application.<sup>33</sup>

21. Since no Judge of the sentencing Chambers is a Judge of the Mechanism,<sup>34</sup> I consulted with Judge José Ricardo de Prada Solaesa and Judge Ivo Nelson de Caires Batista Rosa with regard to the Application, 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

22. 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

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<sup>28</sup> Internal Memorandum from the Registrar to the President, dated 8 April 2025 (strictly confidential), *transmitting* Internal Memorandum from the Head of WISP to the Registrar, dated 4 April 2025 (strictly confidential) ("WISP Memorandum").

<sup>29</sup> Internal Memorandum from the President to the Registrar, dated 10 April 2025 (confidential), paras. 2-3.

<sup>30</sup> *Note Verbale* from the Embassy of Serbia to the Mechanism, dated 23 May 2025, *conveying* a letter from the Minister of Justice of Serbia to the President, dated 22 May 2025 ("Letter of the Minister of Justice of Serbia"). The Letter of the Minister of Justice of Serbia was filed confidentially and *ex parte* on the judicial record on 26 May 2025.

<sup>31</sup> Internal Memorandum from the Registrar to the President, dated 27 May 2025 (confidential), para. 4, *transmitting*: (i) a letter from the Association of Camp Inmates in Bosnia and Herzegovina, dated 5 May 2025 ("Association of Camp Inmates Letter"); (ii) a letter from the Association Women Victims of War Sarajevo, dated 13 May 2025 ("Women Victims of War Letter"); (iii) an email from the Association *Suze Brčko*, dated 13 May 2025 ("Association *Suze* Email"); and (iv) a letter from the Association of Victims and Witnesses of Genocide, dated 15 May 2025 ("Association of Victims and Witnesses of Genocide Letter").

<sup>32</sup> Internal Memorandum from the President to the Registrar, dated 30 May 2025 (confidential), para. 1. The material was sent to Jelisić on 16 June 2025.

<sup>33</sup> Internal Memorandum from the Registrar to the President, dated 10 July 2025 (confidential), *transmitting* Goran Jelisić's Response to Submissions Received from the Mechanism, dated 25 June 2025 ("Comments").

<sup>34</sup> See generally Trial Judgement; Appeal Judgement.

Rwanda (“ICTR”), the ICTY, or the Mechanism, including the implementation of sentence enforcement agreements entered into by the United Nations with Member States.

23. 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 deal with such requests, consistent with the longstanding practice of the ICTR, the ICTY, and the Mechanism in this regard.

24. 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.

25. 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 Prosecution.

26. 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.

27. Paragraph 10 of the Practice Direction indicates that the President may collect information, directly or through the Registry, 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.

28. 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.

29. The enforcement agreement between the United Nations and Belgium<sup>35</sup> provides in Article 3(2) that the conditions of imprisonment are governed by the legislation of Belgium, subject to the supervision of the Mechanism. It further states, in Article 3(5), that if the President of the Mechanism finds that there is reason to grant early release to the detainee, the Mechanism shall inform Belgium of its decision.

## IV. ANALYSIS

### A. Eligibility

30. Previous decisions have determined that all convicted persons serving a sentence under the Mechanism's supervision are eligible to be considered for early release upon having served two-thirds of their sentence, irrespective of: (i) whether the person was convicted by the ICTR, the ICTY, or the Mechanism; (ii) where the sentence is being served; and (iii) whether the matter is brought before the President through a direct petition by the convicted person or a notification from the relevant enforcement State.<sup>36</sup> Further, serving two-thirds of a sentence has been described by the Mechanism's jurisprudence as being "in essence, an admissibility threshold".<sup>37</sup>

31. Jelisić served two-thirds of his sentence in September 2024<sup>38</sup> and is therefore eligible to be considered for early release.

### B. General Standards for Granting Early Release

32. 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.<sup>39</sup> 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

<sup>35</sup> Agreement Between the United Nations and the Government of the Kingdom of Belgium on the Enforcement of Sentences Handed Down by the International Criminal Tribunal for the Former Yugoslavia, 2 May 2007, amended on 27 July 2015.

<sup>36</sup> *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. 29; *Prosecutor v. Vujadin Popović*, Case No. MICT-15-85-ES.2, Decision on the Application for Early Release of Vujadin Popović, 20 June 2025 ("*Popović Decision*"), p. 2; *Prosecutor v. Radislav Krstić*, Case No. MICT-13-46-ES.1, Decision on the Early Release of Radislav Krstić, 10 September 2019 (public redacted), paras. 16, 18.

<sup>37</sup> *Stanišić Decision*, para. 29; *Popović Decision*, p. 3; *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) ("*Bisengimana Decision*"), para. 19.

<sup>38</sup> See Decision of 11 March 2021, paras. 43, 45.

<sup>39</sup> *Stanišić Decision*, para. 31; *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. 30; *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.

account the non-exhaustive list of factors set out in Rule 151 of the Rules.<sup>40</sup> In this regard, the mere passage of time cannot constitute sufficient grounds for early release.<sup>41</sup>

### 1. Gravity of Crimes

33. In my opinion, the early release of persons convicted by the ICTR, the ICTY, or the Mechanism for genocide, crimes against humanity, or war crimes should be exceptional.<sup>42</sup>

34. In relation to the gravity of crimes, past decisions have established that: (i) as a general rule, a sentence should be served in full given the gravity of the crimes within the jurisdiction of the ICTR, the ICTY, and the Mechanism, unless it can be demonstrated that a convicted person should be granted early release; (ii) while the gravity of the crimes is not the only factor in assessing an early release application pursuant to Rule 151 of the Rules, it is nevertheless a factor of fundamental importance; (iii) the graver the criminal conduct in question, the more compelling a demonstration of rehabilitation should be; and (iv) while the gravity of the crimes cannot be seen as depriving a convicted person of an opportunity to argue his or her case, it may be said to determine the threshold that the arguments in favour of early release must reach.<sup>43</sup>

35. As set out above, Jelisić was found guilty pursuant to Article 7(1) of the ICTY Statute of 16 counts of violations of the laws or customs of war, comprising murder, cruel treatment and plunder, and 15 counts of crimes against humanity, comprising murder and other inhumane acts.<sup>44</sup> In particular, Jelisić was convicted of personally committing 12 murders at the Brčko police station and the Luka camp in May 1992, as well as personally inflicting bodily harm on four persons.<sup>45</sup>

36. The Trial Chamber considered that Jelisić's acts were committed "under particularly aggravating circumstances",<sup>46</sup> were of "extreme gravity",<sup>47</sup> and were marked by their "relentless character and cruelty".<sup>48</sup> The Trial Chamber further underlined the "repugnant, bestial and sadistic nature of Goran Jelisić's behaviour" and considered that "[h]is cold-blooded commission of murders

<sup>40</sup> *Stanišić* Decision, para. 31; *Prlić* Decision, para. 30; *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.

<sup>41</sup> *Stanišić* Decision, para. 31; *Prlić* Decision, para. 30; *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.

<sup>42</sup> *Stanišić* Decision, para. 32; *Prlić* Decision, para. 31; *Krstić* Decision of 15 November 2022, para. 33.

<sup>43</sup> *Stanišić* Decision, para. 33; *Prlić* Decision, para. 32; *Prosecutor v. Radivoje Miletić*, Case No. MICT-15-85-ES.5, Decision on the Early Release of Radivoje Miletić, 5 May 2021 (public redacted), para. 39.

<sup>44</sup> *See supra* paras. 2-4.

<sup>45</sup> Trial Judgement, paras. 23, 37-40, 42-45, 49, 138; Appeal Judgement, paras. 91-95, p. 41. *See also* Trial Judgement, para. 127; Appeal Judgement, paras. 120-123.

<sup>46</sup> Trial Judgement, para. 129.

<sup>47</sup> Trial Judgement, para. 128.

<sup>48</sup> Trial Judgement, para. 126.



and mistreatment of people attest to a profound contempt for mankind and the right to life”.<sup>49</sup> According to the Trial Chamber, Jelisić committed his crimes “enthusiastically”, taking advantage of the opportunity afforded to him “by the feeling of power to impose his own will on the defenceless victims and to decide who would live and who would die”.<sup>50</sup> The principal political and military officials responsible for the atrocities committed in the former Yugoslavia “could not achieve their ends without the enthusiastic help or contribution, direct or indirect, of individuals like Goran Jelisić”.<sup>51</sup> The Trial Chamber also held that the impact of Jelisić’s behaviour went well beyond the “great physical and psychological suffering” inflicted on the immediate victims of his crimes and their relatives, and extended to all the witnesses of his crimes who suffered as well.<sup>52</sup> Although he pleaded guilty, the Trial Chamber held that Jelisić demonstrated no remorse for the crimes he committed.<sup>53</sup> None of these conclusions was subject to appeal.

37. Jelisić acknowledges that he was convicted of “very grave” crimes and that the imposed sentence is appropriate in view of the gravity of his crimes.<sup>54</sup> I note that Jelisić was the physical perpetrator of the crimes, including murders, for which he was convicted, and that the Trial Chamber highlighted not only the high gravity of his acts, but also the fact that they were committed with cruelty, sadism and enthusiasm, causing suffering beyond the immediate victims to those who witnessed them.<sup>55</sup>

38. In light of the above, there is no doubt as to the high gravity of Jelisić’s crimes. Accordingly, I am of the view that this factor weighs strongly against his early release.

## 2. Treatment of Similarly-Situated Prisoners

39. When considering the treatment of similarly-situated prisoners, decisions on early release have emphasised that persons sentenced by the ICTY, like Jelisić, are considered “similarly-situated” to all other prisoners under the Mechanism’s supervision.<sup>56</sup> The eligibility threshold of having served two-thirds of the sentence applies to all convicted persons serving a sentence under the Mechanism’s supervision.<sup>57</sup>

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<sup>49</sup> Trial Judgement, para. 130.

<sup>50</sup> Trial Judgement, para. 131. *See also* Trial Judgement, para. 133.

<sup>51</sup> Trial Judgement, para. 133.

<sup>52</sup> Trial Judgement, para. 132. *See also* Trial Judgement, para. 38.

<sup>53</sup> Trial Judgement, paras. 127. *See also* Appeal Judgement, para. 103.

<sup>54</sup> Application, p. 3. *See also* Application, pp. 4, 6; Comments, p. 1.

<sup>55</sup> *See supra* paras. 35-36.

<sup>56</sup> *Stanišić* Decision, para. 41; *Prlić* Decision, para. 38; *Bisengimana* Decision, paras. 16-17.

<sup>57</sup> *See supra* para. 30.

40. As previously noted, having passed this two-thirds threshold in September 2024,<sup>58</sup> Jelisić is indeed eligible to be considered for early release.

### 3. Demonstration of Rehabilitation

41. 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.<sup>59</sup> The prisoner's demonstration of rehabilitation is just one factor to be considered when deciding upon such an application.<sup>60</sup>

42. Before turning to an individualised assessment of Jelisić'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.<sup>61</sup>

43. 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.<sup>62</sup> This is a non-exhaustive list and convicted persons are not expected to fulfil all of these indicators in order to demonstrate rehabilitation.<sup>63</sup>

44. 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.<sup>64</sup> Given that genocide, crimes against humanity, and war crimes are among the gravest crimes known to humankind, it is not appropriate to view the rehabilitation of

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<sup>58</sup> See *supra* para. 31.

<sup>59</sup> See *supra* paras. 25, 28.

<sup>60</sup> See *supra* para. 25.

<sup>61</sup> *Stanišić* Decision, para. 45; *Prlić* Decision, para. 41; *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.

<sup>62</sup> *Stanišić* Decision, para. 46; *Prlić* Decision, para. 42; *Bralo* Decision of 31 December 2019, para. 39 and references cited therein.

<sup>63</sup> *Stanišić* Decision, para. 46; *Prlić* Decision, para. 42; *Bralo* Decision of 31 December 2019, para. 39.

<sup>64</sup> *Stanišić* Decision, para. 47; *Prlić* Decision, para. 43; *Bralo* Decision of 31 December 2019, para. 39.

perpetrators of such crimes as one would view the rehabilitation of perpetrators of so-called ordinary crimes adjudicated at the national level.<sup>65</sup>

45. Turning to the extent to which Jelisić has demonstrated rehabilitation, I note that the most probative materials before me are: (i) the Application; (ii) the Psychosocial Report; (iii) the 2025 Psychiatric Report; (iv) the 2024 Psychiatric Report; and (v) the Comments.

(a) Behaviour in Prison

46. Good behaviour in prison is the very minimum to be expected of a convicted person while serving his or her sentence.<sup>66</sup> In my opinion, such good behaviour cannot on its own demonstrate rehabilitation of a person convicted for some of the most heinous international crimes.<sup>67</sup>

47. Jelisić submits that throughout his imprisonment his behaviour has been exemplary and that he has been trying to exhibit good conduct and behave well towards the prison staff and the prisoners, regardless of their gender, religion or race, due to the remorse he feels for his crimes and their victims.<sup>68</sup>

48. According to the Psychosocial Report, Jelisić has not received any disciplinary reports or sanctions during his imprisonment in Belgium.<sup>69</sup> After his transfer to Belgium, [REDACTED].<sup>70</sup> I note, however, that [REDACTED], has held various jobs in the prison, has been regularly visited by an Orthodox priest, and diligently followed a Dutch language course.<sup>71</sup> The prison psychiatrist confirms [REDACTED].<sup>72</sup>

49. Further, according to the Psychosocial Report, Jelisić has remained “a polite and friendly person” throughout his imprisonment<sup>73</sup> and, more recently, feels comfortable to express his grievances in an appropriate manner, being able to accept the responses even if they do not align with his expectations.<sup>74</sup> The prison psychiatrist also states that Jelisić comes across as “reliable and empathetic”, has not demonstrated any aggression, and has not had any reported conflicts with other inmates.<sup>75</sup>

<sup>65</sup> *Stanišić* Decision, para. 47; *Prlić* Decision, para. 43; *Bralo* Decision of 31 December 2019, para. 38.

<sup>66</sup> *Stanišić* Decision, para. 49; *Prlić* Decision, para. 45; *Krstić* Decision of 15 November 2022, para. 49.

<sup>67</sup> *Stanišić* Decision, para. 49; *Prlić* Decision, para. 45; *Bralo* Decision of 31 December 2019, para. 38.

<sup>68</sup> Application, pp. 3, 5. *See also* 2022 Medical Report.

<sup>69</sup> Psychosocial Report, p. 3.

<sup>70</sup> Psychosocial Report, pp. 2-4. *See also* 2025 Psychiatric Report, p. 2.

<sup>71</sup> Psychosocial Report, pp. 4-5. *See also* 2024 Psychiatric Report, p. 2; Dutch Course Attendance Confirmation.

<sup>72</sup> 2024 Psychiatric Report, p. 1.

<sup>73</sup> Psychosocial Report, p. 6.

<sup>74</sup> Psychosocial Report, p. 2.

<sup>75</sup> 2025 Psychiatric Report, p. 2.

50. Based on the available information, Jelisić's behaviour in prison has generally been good. I share the Belgian authorities' assessment that [REDACTED].<sup>76</sup> In this regard, I find that his interest in [REDACTED] and learning the local language<sup>77</sup> merit commendation. 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.<sup>78</sup> 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

51. 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.<sup>79</sup> Tangible evidence of rehabilitation is a crucial aspect, which helps to differentiate genuine expressions of remorse or regret from more opportunistic ones.<sup>80</sup>

52. Jelisić submits that quickly after his imprisonment in Italy, he realised and accepted the fact that he had committed very serious crimes and felt sincere remorse for them.<sup>81</sup> He also states that he has "pangs of conscience" every day with regard to the victims and their families, and prays that they forgive him for the pain and suffering he inflicted on them.<sup>82</sup> He further points to the fact that he has been granted sentence remission of more than 1,845 days by the Italian authorities, and that the factors underlying sentence remission decisions taken by an enforcement State may be used as evidence of

<sup>76</sup> See Psychosocial Report, p. 3.

<sup>77</sup> See Psychosocial Report, p. 2; Application, p. 4.

<sup>78</sup> See *supra* para. 46.

<sup>79</sup> *Stanišić* Decision, para. 53; *Prlić* Decision, para. 48; *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.

<sup>80</sup> *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), para. 38; *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) ("*Bralo* Decision of 28 December 2023"), para. 62.

<sup>81</sup> Application, pp. 3-4. See also Comments, p. 1 (wherein he "sincerely apologize[s] to all the victims of the senseless war in Bosnia-Herzegovina").

<sup>82</sup> Application, p. 3.

good behaviour and progress with regard to rehabilitation for the purposes of applications for early release before the Mechanism.<sup>83</sup>

53. The Psychosocial Report provides that Jelisić has “on a number of occasions” expressed remorse for his actions and victims, describing the difference between himself in the past and the present as “night and day”, now being “calmer, more reflective and [having] learned to consider the impact on victims”.<sup>84</sup> In this respect, Jelisić has repeatedly emphasised that if he were to return to Bosnia and Herzegovina, it would feel “as if the victims and their bereaved families would die a second time”.<sup>85</sup> The prison’s psychosocial service observed in these moments genuine emotion, specifically indignation.<sup>86</sup> The prison’s psychiatrist confirms that Jelisić has a “strong sense of guilt” and that he frequently reflects on his acts, wondering whether he could have done things differently given the circumstances at the time, as he believes that had he followed another course of action, he might not be alive today.<sup>87</sup> According to the prison’s psychiatrist, the awareness of the severity of his actions, on the one hand, and the realisation that he might not have survived otherwise, on the other hand, cause him significant stress.<sup>88</sup> Furthermore, the prison authorities convey Jelisić’s intention to apologise to the victims and their families for his actions and to inquire with the Mechanism as to how this could be done in an appropriate manner without causing the victims any distress.<sup>89</sup>

54. Certainly, the fact that, in his interactions with the prison authorities, Jelisić appears to express emotions of guilt and indignation when talking about his crimes and victims, indicates some level of critical reflection on and acceptance of his personal responsibility for the crimes he committed. Nevertheless, in the Application, there is little elaboration on these reflections that would help convince me of their genuine nature. Jelisić’s statements about his crimes and their victims are general and not supported by any concrete actions for reconciliation or other tangible evidence of rehabilitation. Jelisić’s submissions that he has been trying to exhibit good conduct in prison because of the remorse he feels for the suffering he has inflicted on the victims of his crimes and that he tried to immediately join the rehabilitation and resocialisation process through work and education,<sup>90</sup> although praiseworthy, do not directly support an acceptance of his responsibility, or serve as signs of critical reflection or as expressions of genuine remorse for the crimes he committed.

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<sup>83</sup> Application, p. 5, referring to Decision of 11 March 2021, para. 31, citing *Prosecutor v. Milomir Stakić*, Case No. MICT-13-60-ES, Decision on Sentence Remission and Early Release of Milomir Stakić, 31 December 2020 (“*Stakić Decision*”), para. 33.

<sup>84</sup> Psychosocial Report, pp. 4, 6.

<sup>85</sup> Psychosocial Report, p. 6.

<sup>86</sup> Psychosocial Report, p. 6.

<sup>87</sup> 2025 Psychiatric Report, pp. 1-2. See also 2024 Psychiatric Report, p. 1; Application, p. 3.

<sup>88</sup> 2025 Psychiatric Report, p. 1.

<sup>89</sup> Psychosocial Report, p. 9; 2025 Psychiatric Report, p. 2.

<sup>90</sup> See Application, pp. 3-4.

55. With respect to Jelisić's reliance on having been granted sentence remission as evidence of good behaviour and progress with regard to rehabilitation, I note that, while the factors underlying sentence remission decisions taken by an enforcement State may be used as such evidence for the purposes of applications for early release before the Mechanism, the recognition by the Mechanism of sentence remissions does not involve an assessment of the factors provided in Rule 151 of the Rules.<sup>91</sup> Accordingly, as it is not clear to what extent information on Jelisić's potential rehabilitation was actually considered in previous decisions that acknowledged sentence remissions granted to him by national authorities, and in the absence of any clarification from Jelisić in this regard, I will not rely on the previously granted sentence remissions in the context of this Application.

56. Furthermore, the fact that Jelisić refers to his young age when he committed the crimes for which he was convicted and his perception that he would not be alive had he acted another way,<sup>92</sup> make me doubt that he has truly and fully accepted his personal responsibility. These statements could be perceived as attempts to justify his past actions and belie the fact that the manner in which he committed his crimes was characterised by particular sadism, cruelty and enthusiasm,<sup>93</sup> and that at that time he presented himself as the "Serbian Adolf" who had gone to Brčko "to kill Muslims".<sup>94</sup> In my view, there is a complete absence of acknowledgment of these circumstances in the Application, which would indicate having honestly reflected on his role and state of mind.

57. In addition, when talking informally with prison staff, Jelisić has reportedly [REDACTED].<sup>95</sup> He had also reportedly told a prison guard that [REDACTED] and has shown a photo of Slobodan Milošević in a manner that appeared to indicate Jelisić's admiration for him.<sup>96</sup> This information, deriving from more informal contexts, raises considerable doubt as to the genuineness of Jelisić's remorse and acceptance of his crimes that are otherwise reflected in his statements to the psychosocial and psychiatric services of the prison, which are known to be monitoring his rehabilitation and mental and social health and whose findings are expected to be assessed for the purposes of early release.<sup>97</sup>

58. Further, I appreciate that Jelisić has considered the impact his apology might have on the victims of his crimes, and that he intends to reflect further on the way he could apologise without causing strong or undesirable reactions.<sup>98</sup> This demonstrates some degree of respect towards the

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<sup>91</sup> Decision of 11 March 2021, paras. 31, 35-36, *referring to Stakić* Decision, paras. 37-38.

<sup>92</sup> See 2025 Psychiatric Report, p. 1; 2024 Psychiatric Report, p. 1.

<sup>93</sup> See *supra* para. 36.

<sup>94</sup> See Trial Judgement, para. 102.

<sup>95</sup> Psychosocial Report, p. 4.

<sup>96</sup> Psychosocial Report, p. 4.

<sup>97</sup> See also Psychosocial Report, p. 6 (wherein the prison's psychosocial service expressed the view that Jelisić initially displayed on occasions socially desirable behaviour, "undoubtedly [being] aware that his behaviour was closely monitored, which would serve as an important indicator for the Mechanism").

<sup>98</sup> See Psychosocial Report, p. 9; 2025 Psychiatric Report, p. 2. See also Psychosocial Report, p. 7.

victims. However, it remains the case that, to date, he has not offered an apology to them. A genuine apology to the victims or their families, which would acknowledge his exact conduct and role in their suffering, or actions to foster reconciliation or seek forgiveness would be stronger indications that Jelisić is well on the way towards achieving rehabilitation.

59. Finally, I am informed that Jelisić authored two books related to the conflict in Bosnia and Herzegovina, which appear to have been published in 2013 and 2016 and one of which portrays him with Slobodan Milošević on the cover.<sup>99</sup> The absence of any reference to them in the Application, and how they and the views expressed therein are relevant to my assessment of his rehabilitation process, is striking. It leaves a very strong impression that critical information key to assessing Jelisić's rehabilitation is missing.

60. In conclusion, although there are some positive indicators of his rehabilitation process, certain remarks made during informal conversations and the absence of acknowledgement of his exact role in the crimes, do not convince me that Jelisić has sufficiently demonstrated acceptance of his responsibility, critical reflection or genuine remorse. I would therefore encourage him to continue engaging with the prison authorities, including through their psychosocial and psychiatric services, in a process of self-reflection and rehabilitation, and to consider the steps he could take vis-à-vis the victims of his crimes in the context described above.

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

61. Jelisić submits that he is “ready to be reintegrated into society and become a useful and responsible member of the community”.<sup>100</sup> Regarding the location where he would reside if he were released early, he initially indicated that he intended to live with [REDACTED] in Serbia,<sup>101</sup> he later clarified that he would live with [REDACTED] in [REDACTED], Serbia,<sup>102</sup> while he communicated different plans to the Belgian prison authorities, with his priority being to live first in [REDACTED] and after his retirement in [REDACTED], Serbia.<sup>103</sup> According to the prison authorities, Jelisić's [REDACTED] live in Bosnia and Herzegovina, but he understands that he cannot visit them.<sup>104</sup> While imprisoned in Belgium, Jelisić has been holding virtual visits with his sister and, since the end of 2024, “[t]o the astonishment of the [p]sychosocial [s]ervice”, he has been receiving in-person and

<sup>99</sup> See *infra* para. 73.

<sup>100</sup> Application, p. 3.

<sup>101</sup> Application, p. 5.

<sup>102</sup> Supplement, RP 174.

<sup>103</sup> Psychosocial Report, pp. 7-8. Cf. 2024 Psychiatric Report, p. 2 (where Jelisić expressed to the prison psychiatrist his wish to spend a short time with [REDACTED] and then live in [REDACTED]).

<sup>104</sup> Psychosocial Report, p. 8.

virtual visits by a partner, who had never been mentioned earlier.<sup>105</sup> Jelisić states that he intends to [REDACTED]<sup>106</sup> and will accept any conditions imposed in case of an early release.<sup>107</sup> The prison authorities also conveyed Jelisić's wish for a media contact ban as a condition for early release, since he has no desire to be in the spotlight.<sup>108</sup>

62. With respect to his mental health, Jelisić [REDACTED].<sup>109</sup> At the beginning of his incarceration in Belgium, Jelisić [REDACTED].<sup>110</sup> Since then, [REDACTED].<sup>111</sup> The prison psychiatrist opines that the risk of Jelisić's recidivism is minimal, also because his acts should be viewed in the context of the specific wartime circumstances.<sup>112</sup>

63. While I consider that maintaining contact with his sister and accepting any conditions in case of early release merit positive weight, Jelisić's post-release plans remain obscure and, as such, raise questions regarding the prospects of his successful reintegration into society.

#### (d) Overall Assessment

64. Jelisić has shown good behaviour in prison and exhibited some positive indicators in his rehabilitative process. However, after reviewing all the information before me, I am of the view that he has not yet reached a level of rehabilitation sufficient to merit early release. I encourage him to continue taking steps in his rehabilitation process, to consider concrete actions he could take to express his apology to the victims of his crimes, and to plan more carefully his reintegration into society.

#### 4. Substantial Cooperation with the Prosecutor

65. Jelisić submits that he pleaded guilty to 31 counts and that his guilty plea has been considered in the past as constituting a degree of cooperation with the Prosecution and a factor providing some support in favour of provisional recognition of the sentence remission for which he was eligible under Italian law.<sup>113</sup> He also submits that he cooperated with judicial authorities in [REDACTED].<sup>114</sup>

66. The Prosecution submits that Jelisić has not substantially cooperated with the Prosecution in the course of his trial or appeal, or while serving his sentence and, as a result, this factor should not

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<sup>105</sup> Psychosocial Report, p. 5.

<sup>106</sup> Supplement, RP 174.

<sup>107</sup> Application, p. 7. *See also* Psychosocial Report, p. 9; Comments, p. 1.

<sup>108</sup> Psychosocial Report, p. 8.

<sup>109</sup> Psychosocial Report, p. 8; 2025 Psychiatric Report, p. 2; 2024 Psychiatric Report, p. 2. *See also* Application, p. 5.

<sup>110</sup> Psychosocial Report, pp. 3-6.

<sup>111</sup> 2025 Psychiatric Report, p. 1.

<sup>112</sup> 2025 Psychiatric Report, p. 2.

<sup>113</sup> Application, pp. 6-7, *referring to* Decision of 11 August 2017, para. 46; Comments, p. 1.

<sup>114</sup> Application, p. 6.



be awarded any weight.<sup>115</sup> With respect to Jelisić's guilty plea, the Prosecution argues that this has generally been deemed "neutral" absent a demonstration of substantial cooperation, and points to the fact that the Trial Judgement accorded only relative weight to it in view of his lack of remorse.<sup>116</sup> The Prosecution also submits that Jelisić was contacted by justice authorities in [REDACTED], which were not satisfied with his cooperation and that, if any weight is to be given in this regard, further information should be sought.<sup>117</sup>

67. The entry of a guilty plea indicates a degree of cooperation with the Prosecution, as it beneficially impacts the efficient administration of justice.<sup>118</sup> This factor has, however, generally been deemed "neutral" in the assessment of early release applications absent a demonstration, on the part of the applicant, of his or her substantial cooperation with the Prosecution.<sup>119</sup> Regarding his purported cooperation with the judicial authorities in [REDACTED], I note that Jelisić provides no details regarding this cooperation<sup>120</sup> and that it would be up to him to provide any relevant information that would, in his view, support his Application.

68. As a result, I do not consider it appropriate, absent evidence of substantial cooperation, to attach any weight to Jelisić's guilty plea in my assessment of the Application.

### **C. Other Considerations**

#### **1. Comments and Information Provided by the Prosecution**

69. Decisions on early release have established that the President may receive and consider general comments and information from the Prosecution with regard to early release applications.<sup>121</sup> In doing so, the President shall exercise caution to avoid any unreasonable imbalance to the detriment of the convicted person, and carefully assess on a case-by-case basis which submissions are of actual relevance in a given case, mindful of the rights of the convicted person.<sup>122</sup>

<sup>115</sup> Prosecution Memorandum, paras. 2, 16.

<sup>116</sup> Prosecution Memorandum, paras. 9, 18-19.

<sup>117</sup> Prosecution Memorandum, para. 17.

<sup>118</sup> *Bralo* Decision of 28 December 2023, para. 80; *Bralo* Decision of 31 December 2019, para. 72; *Prosecutor v. Ranko Češić*, Case No. MICT-14-66-ES, Public Redacted Version of the 30 April 2014 Decision of the President on the Early Release of Ranko Češić, 28 May 2014, para. 24.

<sup>119</sup> *Bralo* Decision of 28 December 2023, para. 80; *Bralo* Decision of 31 December 2019, para. 72.

<sup>120</sup> Cf. Internal Memorandum from Chief, Office of the Registrar *ad interim* to then-President, dated 17 December 2013, *transmitting Note Verbale* from the Embassy of Italy to then-Registrar, dated 4 December 2013, *annexing, inter alia*, Summary of the observation report on the rehabilitation of prisoner Goran Jelisić, dated 20 August 2013, p. 6 (where the authorities of Italy, where Jelisić was imprisoned at the time, reported that he said to have disclosed to the "justice system" names, locations and dates of murders, and to have helped recover corpses at the locations where they were concealed).

<sup>121</sup> *Stanišić* Decision, para. 65; *Prlić* Decision, para. 68; *Bralo* Decision of 31 December 2019, para. 69.

<sup>122</sup> *Stanišić* Decision, para. 65; *Prlić* Decision, para. 68; *Prosecutor v. Radoslav Brđanin*, Case No. MICT-13-48-ES, Decision on the Application of Radoslav Brđanin for Early Release, 28 February 2020 (public redacted), para. 83.

70. The Prosecution submits that Jelisić's "generic and equivocal expression of 'remorse'" does not demonstrate that early release is warranted in his case due to, *inter alia*, the high gravity of his crimes and lack of evidence of rehabilitation.<sup>123</sup> The Prosecution specifically argues that Jelisić has not demonstrated progress towards rehabilitation justifying early release, as there is no concrete indication that he is remorseful, no expression of apology to the families of the victims, or any information suggesting that his views have changed.<sup>124</sup>

71. I have given due regard to the Prosecution's comments and information in relation to the Application.

## 2. Views of Serbia

72. The Serbian Minister of Justice expressed the opinion that, [REDACTED].<sup>125</sup> I have taken note of Serbia's views in this regard.

## 3. Impact on Victims and Witnesses

73. WISP observes that the early release of a convicted person may impact victims and witnesses in different ways.<sup>126</sup> Learning of a convicted person's release through the media, other channels or an unexpected encounter in public could increase the perception of risk by victims and witnesses, affect their psycho-social wellbeing, or re-traumatise them.<sup>127</sup> Victims and/or witnesses may potentially come under threat of being physically harmed or intimidated by the convicted person or his supporters as retribution for their involvement in the proceedings and for contributing to the ICTY's convictions.<sup>128</sup> WISP also submits that the fact that Jelisić has published two books related to the conflict in Bosnia and Herzegovina could indicate his willingness to engage in public discussion on these issues, if released early, which may negatively impact on victims and witnesses.<sup>129</sup>

74. WISP reviewed 59 surviving witnesses relevant to Jelisić's case.<sup>130</sup> Out of these witnesses, none resides in the vicinity of [REDACTED], Serbia, where Jelisić intends to live if released early, 11 reside in Brčko, Bosnia and Herzegovina, where Jelisić's crimes were committed, and 27 reside in other areas of Bosnia and Herzegovina.<sup>131</sup> A total of five witnesses were considered vulnerable due

<sup>123</sup> Prosecution Memorandum, paras. 2, 4, 29.

<sup>124</sup> Prosecution Memorandum, paras. 10, 13-15. *See also* Prosecution Memorandum, paras. 11-12.

<sup>125</sup> Letter of the Minister of Justice of Serbia, RP 186.

<sup>126</sup> WISP Memorandum, para. 17.

<sup>127</sup> WISP Memorandum, para. 17.

<sup>128</sup> WISP Memorandum, para. 17.

<sup>129</sup> WISP Memorandum, para. 18.

<sup>130</sup> WISP Memorandum, para. 6.

<sup>131</sup> WISP Memorandum, paras. 9-11.

to, *inter alia*, psychological trauma from their war experiences, and two witnesses have expressed security concerns, which were addressed by the WISP or local authorities.<sup>132</sup>

75. Furthermore, the Association of Camp Inmates of Bosnia and Herzegovina opposes the Application, expressing its firm conviction that Jelisić does not feel regret or remorse, and that the description in the judgements of the “numerous crimes” for which he has been convicted demonstrates an “individual without a shred of humanity, honour, morality and conscience” who should have received life imprisonment.<sup>133</sup> It also considers that Jelisić’s early release “would certainly provoke a lot of anxiety” to returnees and victims in Brčko and the entire Bosnia and Herzegovina.<sup>134</sup>

76. The Association “Women Victims of War – Sarajevo” asks that the Application not be granted, because Jelisić: (i) did not surrender; (ii) was “among those in the forefront in running the ‘Luka’ concentration camp in Brčko, where he personally committed terrible crimes”; (iii) does not mention what steps he will undertake to be a responsible member of the community and support peaceful co-existence; (iv) submits work assignments in prison as indicators of rehabilitation, although they have nothing to do with rehabilitation in connection with the crimes he committed; and (v) has never expressed his remorse or regret, or asked for forgiveness publicly.<sup>135</sup>

77. The Association *Suze Brčko* objects to the Application, submitting that “the nature and brutality of [Jelisić’s] crimes leave no room for consideration of the possibility of early release” and that “there is not a single indicator that would point to his rehabilitation”.<sup>136</sup> It also submits that Jelisić’s crimes, which he committed personally, “left a deep and lasting impact on the families of the victims, on the social fabric of Brčko, and on all the survivors who are still suffering from the psychological consequences of his actions”.<sup>137</sup>

78. The Association of the Victims and Witnesses of Genocide states that Jelisić must serve his sentence in full and “does not deserve mercy”.<sup>138</sup> It further submits that it does “not consider [Jelisić’s] regret and remorse today as sincere”, Jelisić has not offered additional information about the victims, his superiors or subordinates, and “[e]ven today, the victims bear immense suffering as a consequence of his crimes”.<sup>139</sup>

<sup>132</sup> WISP Memorandum, paras. 14-16.

<sup>133</sup> Association of Camp Inmates Letter, pp. 1-4.

<sup>134</sup> Association of Camp Inmates Letter, p. 2.

<sup>135</sup> Women Victims of War Letter, pp. 3-4. *See also* Women Victims of War Letter, p. 1.

<sup>136</sup> Association *Suze* Email.

<sup>137</sup> Association *Suze* Email.

<sup>138</sup> Association of Victims and Witnesses of Genocide Letter, p. 2.

<sup>139</sup> Association of Victims and Witnesses of Genocide Letter, p. 1.

79. Jelisić responds that he understands the members of the Victims' Associations and has no anger in this regard, "as these are persons who surely suffered great mental anguish in relation to the events which took place during the senseless civil war waged in Bosnia-Herzegovina".<sup>140</sup>

80. I have remained mindful of all this information in considering the Application.

#### 4. Health of the Convicted Person

81. Previous decisions have taken into account the state of the convicted person's health in the context of an early release application.<sup>141</sup> 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.<sup>142</sup>

82. Jelisić does not submit that his state of physical health should be considered in the context of the Application or that compelling or exceptional circumstances would justify granting him early release.

83. The Psychosocial Report indicates that Jelisić [REDACTED].<sup>143</sup> Moreover, the prison psychiatrist submits that Jelisić [REDACTED].<sup>144</sup> [REDACTED].<sup>145</sup>

84. The information before me does not lead to the conclusion that Jelisić's state of physical and mental health would render his continued imprisonment inappropriate. Accordingly, there are no compelling humanitarian grounds that would warrant his early release. I have, nevertheless, taken the information on Jelisić's state of health into account in reaching my decision on the Application, as part of my overall assessment of the various factors.

#### 5. Consultation

85. 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.<sup>146</sup> Judge de Prada highlights the exceptional gravity of Jelisić's crimes, including their sadistic nature and his personal involvement in the execution of civilians, and the absence of a sincere, public, and active expression of remorse and acknowledgement of the victims' suffering, which

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<sup>140</sup> Comments, p. 1.

<sup>141</sup> *Stanišić* Decision, para. 78; *Prlić* Decision, para. 82; *Bisengimana* Decision, para. 32.

<sup>142</sup> *Stanišić* Decision, para. 78; *Prlić* Decision, para. 82; *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.

<sup>143</sup> Psychosocial Report, pp. 4-5.

<sup>144</sup> 2025 Psychiatric Report, p. 1.

<sup>145</sup> 2025 Psychiatric Report, p. 1. *See also supra* para. 62.

<sup>146</sup> *See supra* para. 21.

undermines the credibility of his claims of rehabilitation. With respect to the latter point, Judge de Prada adds that such expressions are essential to the process of accountability, reconciliation, and the prevention of future violence, and their absence is incompatible with the aims of restorative and transitional justice. Judge Rosa similarly refers to the exceptional gravity of Jelisić's crimes and the lack of any concrete actions and public statements that could genuinely indicate his remorse. Both Judges are of the view that the Application should be denied.

86. 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

87. I am of the opinion that the Application should be denied. While Jelisić is eligible to be considered for early release, the high gravity of his crimes and his insufficient demonstration of rehabilitation are significant factors militating against such release. Further, there is no evidence before me that establishes the existence of compelling humanitarian grounds which would warrant overriding this negative assessment.

## VI. DISPOSITION

88. 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.

89. The Registrar is **DIRECTED** to provide the authorities of Belgium and Serbia, as well as the Prosecutor, 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 August 2025,  
At The Hague,  
The Netherlands.

  
 Judge Graciela Gatti Santana  
 President

[Seal of the Mechanism]



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			<input type="checkbox"/> Registrar/ Greffier	<input type="checkbox"/> Other/ Autre
<b>Case Name/ Affaire :</b>	Prosecutor v. Goran Jelisić		<b>Case Number/ Affaire n° :</b>	MICT- 14-63-ES
<b>Date Created/ Daté du :</b>	13 August 2025		<b>Date transmitted/ Transmis le :</b>	13 August 2025
			<b>Number of Pages/ Nombre de pages :</b>	21
<b>Original Language/ Langue de l'original :</b>	<input checked="" type="checkbox"/> English/ Anglais	<input type="checkbox"/> French/ Français	<input type="checkbox"/> Kinyarwanda	<input type="checkbox"/> B/C/S
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<b>Title of Document/ Titre du document :</b>	Decision on the Application for Early Release of Goran Jelisić			
<b>Classification Level/ Catégories de classification :</b>	<input checked="" type="checkbox"/> Public/ Document public	<input type="checkbox"/> Ex Parte Defence excluded/ Défense exclue		
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II - TRANSLATION STATUS ON THE FILING DATE/ ÉTAT DE LA TRADUCTION AU JOUR DU DÉPÔT

<input type="checkbox"/> Translation not required/ La traduction n'est pas requise
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