

**UNITED  
NATIONS**



International Residual Mechanism  
for Criminal Tribunals

Case No.: MICT-15-85-ES.2

Date: 20 June 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: 20 June 2025**

**PROSECUTOR**

**v.**

**VUJADIN POPOVIĆ**

***PUBLIC***

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**DECISION ON THE APPLICATION  
FOR EARLY RELEASE OF VUJADIN POPOVIĆ**

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**Counsel for Mr. Vujadin Popović:**

Mr. Zoran Živanović

**Federal Republic of Germany**

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

**BEING SEISED** of a notification from the Federal Republic of Germany (“Germany”) regarding the eligibility of Mr. Vujadin Popović (“Popović”) under German law to suspend the enforcement of the remainder of his life sentence, which was transmitted to me on 21 May 2025 (“Application”);<sup>1</sup>

**NOTING** that, following his surrender, Popović was transferred to the United Nations Detention Unit of the International Criminal Tribunal for the former Yugoslavia (“ICTY”) on 14 April 2005;<sup>2</sup>

**NOTING** that, on 10 June 2010, Trial Chamber II of the ICTY (“Trial Chamber”) found Popović guilty of genocide, conspiracy to commit genocide, and murder as a violation of the laws and customs of war, as well as persecution, extermination, and murder as crimes against humanity, and sentenced him to life imprisonment;<sup>3</sup>

**NOTING** that, on 30 January 2015, the Appeals Chamber of the ICTY *inter alia*: (i) granted Popović’s appeal in part, reversing his convictions in relation to one incident; (ii) granted, in part, the appeal of the Office of the Prosecutor of the ICTY, entering a conviction for conspiracy to commit genocide; and (iii) affirmed Popović’s sentence of life imprisonment;<sup>4</sup>

**NOTING** that, on 24 August 2015, Popović was transferred to Germany to serve the remainder of his sentence;<sup>5</sup>

**NOTING** that the Mechanism denied early release to Popović on 30 December 2020 and 30 January 2023,<sup>6</sup> and that the relevant enforcement agreement with Germany provides for further reviews to be conducted at the latest every two years *ex officio*, or upon application by Popović;<sup>7</sup>

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<sup>1</sup> The Application was sent to my Office and, on 23 May 2025, confidentially filed on the judicial record. It consists of: (i) a *note verbale* from the Embassy of Germany to the Kingdom of the Netherlands; (ii) a statement from the prison where Popović is serving his sentence, dated 20 September 2024 (“Prison Report”); and (iii) a declaration by Popović consenting to the suspension of enforcement pursuant to German law, dated 9 October 2024. The German authorities filed a public version of the Application on 2 June 2025.

<sup>2</sup> See *Prosecutor v. Vujadin Popović et al.*, Case No. IT-05-88-T, Judgement, 10 June 2010 (public redacted) (“Trial Judgement”), para. 2160, p. 826, Annex 2, para. 6.

<sup>3</sup> Trial Judgement, para. 2104, p. 826. The Trial Chamber did not enter a conviction, on the basis of the principles relating to cumulative convictions, for conspiracy to commit genocide and murder as a crime against humanity. Trial Judgement, p. 826.

<sup>4</sup> *Prosecutor v. Vujadin Popović et al.*, Case No. IT-05-88-A, Judgement, 30 January 2015, para. 2117.

<sup>5</sup> Decision on the Application for Early Release of Vujadin Popović, 30 January 2023 (“Decision of 30 January 2023”), p. 2. See also Order Designating State in which Vujadin Popović is to Serve his Sentence, 28 May 2015.

<sup>6</sup> Decision on the Early Release of Vujadin Popović, 30 December 2020 (public redacted), p. 5; Decision of 30 January 2023, p. 5.

**NOTING** further that the Application contains an unfavourable assessment regarding the advisability of releasing Popović early, in view of the severity of the crimes for which he was convicted and sentenced;<sup>8</sup>

**RECALLING** that, 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;

**RECALLING** that, pursuant to Article 26 of the Statute: (i) if a convicted person becomes eligible for pardon or commutation of sentence under the law of the enforcement State, that State shall notify the Mechanism accordingly; and (ii) 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;<sup>9</sup>

**RECALLING** that, pursuant to Rule 150 of the Rules, upon a State notification or a direct petition, the President shall determine whether pardon, commutation of sentence, or early release is appropriate, in consultation with: (i) any Judges of the sentencing Chamber who are Judges of the Mechanism; or (ii) at least two other Judges, if none of the Judges who imposed the sentence are Judges of the Mechanism;

**RECALLING** 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>10</sup>

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<sup>7</sup> Agreement Between the Mechanism and Germany Concerning the Conditions under which Popović’s Prison Sentence shall be Enforced, 26 June 2015, Art. 2(4).

<sup>8</sup> See Prison Report, pp. 5-6.

<sup>9</sup> While Article 26 of the Statute, like the equivalent provisions in the Statutes of the ICTR and the ICTY before it, does not specifically mention requests for early release of convicted persons, the Mechanism’s Rules of Procedure and Evidence (“Rules”) reflect the President’s power to deal with such requests and the longstanding practice of the ICTR, the ICTY, and the Mechanism in this regard.

<sup>10</sup> *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. 28; *Prosecutor v. Dragomir Milošević*, Case No. MICT-16-98-ES, Decision on the Application for Early Release of Dragomir Milošević, 13 December 2024 (public redacted) (“Milošević Decision”), para. 28; *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.

**RECALLING** that serving two-thirds of a sentence has been described as being “in essence, an admissibility threshold”,<sup>11</sup> and that if a convicted person applies for early release or commutation of sentence before having served two-thirds of his or her sentence, the application may be considered without necessarily triggering the multi-step and resource-intensive process of requesting, receiving, translating, sharing, and considering additional information before determining whether the application should be denied as premature;<sup>12</sup>

**RECALLING** further that compelling or exceptional circumstances could arise in specific instances prior to the two-thirds threshold having been reached, which, in the exercise of my discretion as President, may overcome any eligibility concerns;<sup>13</sup>

**CONSIDERING** that the early release of persons convicted by the ICTR, the ICTY, or the Mechanism falls exclusively within the President’s discretion, pursuant to Article 26 of the Statute and Rules 150 and 151 of the Rules;<sup>14</sup>

**CONSIDERING** that a person sentenced to life imprisonment by the ICTR, the ICTY, or the Mechanism may be considered eligible for early release;<sup>15</sup>

**CONSIDERING** that, when applying the two-thirds threshold requirement to another convicted person who had also been sentenced to life imprisonment, the then-President determined that the threshold in that case should be “equivalent to more than a sentence of 45 years”, based in part on the fact that at the time, the highest fixed-term sentence imposed by the ICTR, the ICTY, or the Mechanism was imprisonment for 45 years;<sup>16</sup>

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<sup>11</sup> *Prlić* Decision, para. 28; *Milošević* Decision, para. 28; *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. 19.

<sup>12</sup> *Prosecutor v. Stanislav Galić*, Case No. MICT-14-83-ES, Decision on the Application for Early Release of Stanislav Galić, 4 December 2024 (“*Galić* Decision of 4 December 2024”), p. 3; *Prosecutor v. Stanislav Galić*, Case No. MICT-14-83-ES, Decision on the Application for Early Release of Stanislav Galić, 6 November 2023 (“*Galić* Decision of 6 November 2023”), p. 3; *Prosecutor v. Milomir Stakić*, Case No. MICT-13-60-ES, Decision on Sentence Remission and Early Release of Milomir Stakić, 31 December 2020, para. 43.

<sup>13</sup> *Galić* Decision of 4 December 2024, p. 3; *Prosecutor v. Matthieu Ngirumpatse*, Case No. MICT-14-73-ES.2, Decision on the Application for Commutation of Sentence or Early Release of Matthieu Ngirumpatse, 9 October 2024 (public redacted), para. 22; *Prosecutor v. Laurent Semanza*, Case No. MICT-13-36-ES, Decision of the President on the Early Release of Laurent Semanza, 9 June 2016 (public redacted), para. 18.

<sup>14</sup> *Prosecutor v. Dragoljub Kunarac*, Case No. MICT-15-88-ES.1, Decision on the Application for Early Release of Dragoljub Kunarac, 22 July 2024, para. 29; *Prosecutor v. Radivoje Miletić*, Case No. MICT-15-85-ES.5, Decision on the Application for Early Release of Radivoje Miletić, 18 January 2024, para. 29; *Prosecutor v. Laurent Semanza*, Case No. MICT-13-36-ES.2, Decision on Laurent Semanza’s Application for Early Release, 17 September 2020, para. 29.

<sup>15</sup> *Galić* Decision of 4 December 2024, p. 3; *Galić* Decision of 6 November 2023, p. 4; *Prosecutor v. Stanislav Galić*, Case No. MICT-14-83-ES, Reasons for the President’s Decision to Deny the Early Release of Stanislav Galić and Decision on Prosecution Motion, 23 June 2015 (public redacted) (“*Galić* Reasons of 23 June 2015”), para. 24.

<sup>16</sup> *Galić* Reasons of 23 June 2015, para. 35.

**CONSIDERING** that, since then, a higher fixed-term sentence of 47 years has been imposed by the ICTR<sup>17</sup> and that the impact, if any, of this sentencing decision upon future applications for the early release of persons serving a sentence of life imprisonment will be addressed if and when required;<sup>18</sup>

**CONSIDERING** that, regardless of whether the two-thirds threshold is calculated on the basis of a fixed-term sentence of 45 years or 47 years, having served approximately 20 years of his sentence, Popović has not yet reached that threshold and is therefore not eligible to be considered for early release by the Mechanism at this stage;

**CONSIDERING** further that neither Popović nor Germany raise or demonstrate any compelling or exceptional circumstance that might warrant granting Popović early release before he has reached the two-thirds eligibility threshold;

**CONSIDERING** that I have consulted with Judge William H. Sekule and Judge Carmel Agius, Judges of the sentencing Chambers in Popović's case;<sup>19</sup>

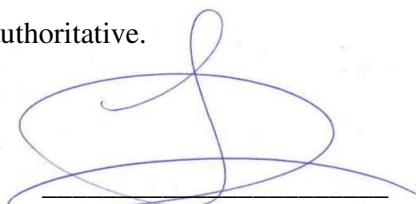
**CONSIDERING** further that Judge Sekule and Judge Agius share my position that Popović is not eligible to be considered for early release at this stage, and that no compelling or exceptional circumstances have been demonstrated which would justify granting him early release prior to reaching his two-thirds eligibility threshold;

**FOR THE FOREGOING REASONS,**

**HEREBY DENY** the Application.

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

Done this 20th day of June 2025,  
At The Hague,  
The Netherlands.

  
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Judge Graciela Gatti Santana  
President

**[Seal of the Mechanism]**

<sup>17</sup> See *Prosecutor v. Pauline Nyiramasuhuko et al.*, Case No. ICTR-98-42-A, Judgement, 14 December 2015, para. 3539 (reducing the sentences of Ms. Pauline Nyiramasuhuko, Mr. Arsène Shalom Ntahobali, and Mr. Élie Ndayambaje from life imprisonment to 47 years' imprisonment).

<sup>18</sup> Decision of 30 January 2023, p. 4.

<sup>19</sup> See Rule 150 of the Rules.



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<b>Date Created/ Daté du :</b>	20 June 2025		<b>Date transmitted/ Transmis le :</b>	20 June 2025
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