

INTERNATIONAL RESIDUAL MECHANISM
FOR CRIMINAL TRIBUNALS

Case no.: MICT-13-53-ES.2.

Date: 20 August 2026

BEFORE THE PRESIDENT

Before: The Honorable Judge Graciela Gatti Santana

Registrar: Mr. Abubacarr Tambadou

Date Filed: 22 August 2026

PUBLIC

THE PROSECUTOR

VS.

MICO STANISIC

**MICO STANISIC’S APPLICATION FOR EARLY RELEASE IN ACCORDANCE
WITH ARTICLE 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**

Officer in charge of the OTP:

Mr .Mathias Marcussen

Counsel for the Defense:

Mr. Slobodan Zečević

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In accordance with Article 5 of the Practice Direction on the Procedure for Determination of Applications for Pardon, Commutation of Sentence and Early Release of Persons Convicted by the ICTR, the ICTY, or the Mechanism¹ (“Practice Direction”), and further, in accordance with Article 26 of the IRMCT Statute and Rules 150 and 151 of the IRMCT Rules, Mr. Mico Stanisic (“the Petitioner”) is directly petitioning the President of the International Residual Mechanism for Criminal Tribunals (“the Mechanism”) for early release, to which he is eligible under the laws of the Republic of Poland, where he served his sentence. This Direct Petition is filed by the Petitioner’s assigned counsel.

¹ MICT/3/Rev.4

I. INTRODUCTION AND PROCEDURAL BACKGROUND

1. On 30 June 2016 the Appeals Chamber of the ICTY convicted the Petitioner to 22 years of imprisonment, subject to credit being given in accordance with the Rule 101 (C) of the Rules for the period the Petitioner already spent in detention.

The Petitioner voluntarily surrendered on 11 March 2005. Following his conviction, he was transferred to the Republic of Poland (“Enforcing State”) to serve the remainder of his sentence in July 2019.

The Petitioner served his sentence in Republic of Poland until January 2025 whereupon was transferred to UNDU in The Hague.

The Petitioner filed the Application for early release on 15 October 2024. The Application was denied.

II. APPLICABLE LAW

2. In accordance with Article 5 of the Practice Direction, a convicted person may directly petition the President for early release, if he believes that he is eligible. The procedure in the Practice Direction shall apply *mutatis mutandis* to such petition. Further, when such petition is made, the Mechanism shall request the enforcing State to inform it whether the convicted person is eligible for early release under the domestic law of the enforcing State.
3. Pursuant to Article 26 of the Statute, pardon or commutation of sentence can take place only if the President so decides based on 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.

4. In accordance with the Criminal Code of the Republic of Poland, a convicted person is eligible to apply for early release upon having served 2/3 of his sentence. The same standard is provided for by Article 8 of the Practice Direction. The Petitioner became eligible to apply for early release, under domestic laws of enforcing State, as well as Article 8 of the Practice Direction on 19 September 2024.
5. In accordance with Rule 151 of IRMCT Rules, the President shall take into account, inter alia, the gravity of the crimes for which the prisoner was convicted, the treatment of similarly-situated prisoners, the prisoner's demonstration of rehabilitation, as well as any substantial cooperation of the prisoner with the Prosecutor.

III. GRAVITY OF CRIMES

STANISIC CASE AND TREATMENT OF SIMILARLY-SITUATED PERSONS

6. The crimes for which Stanisic was convicted are of high gravity. The gravity of these crimes was, indeed, weighed while Chambers – Trial and Appeal - determined the sentence to be imposed on Mr. Stanisic². However, Stanisic reiterates that in previous ICTY and MICT jurisprudence on early release, the gravity of crimes was, although significant, not the exclusive factor in deciding whether the early release should be granted. Thus, in ICTY and MICT jurisprudence on early release, many convicted persons were granted early release, despite the fact that crimes were of same or even greater

² Case no. IT-08-91, Trial Judgment, 27 March 2013, IT-08-91-A Appeals Judgment, 30.06.2016;

gravity, and such gravity weighed against their early release³. These facts raise a serious issue of equal treatment of convicted persons.

7. In this particular section of the Petition, the Petitioner respectfully underlines certain points concerning gravity of crimes in relation to sentences imposed. Although fully aware that the rendered sentence may not be reconsidered, the time lapse and ICTY jurisprudence in cases tried after the judgment in Petitioner's case should not be completely disregarded. When determining the sentence to be imposed on the Petitioner, the Stanisic Trial Chamber stated:

*“Decisions on sentences in other cases of the Tribunal may provide some guidance if they relate to the same type of offences committed in substantially similar circumstances. As a result, previous sentencing practice is but one factor that must be taken into account when determining the sentence. The Trial Chamber has been guided by the principle that the sentence should reflect the gravity of the offences and the individual circumstances of the accused.”*⁴

8. However, after rendering the Judgment referred to above, the ICTY issued numerous judgments which are analogous when it comes to sentences imposed. Such analogy found in some other ICTY cases concerns similar or identical crime base and the level of political authority of a member of the Extended Presidency of RS and Speaker of the Parliament. In that respect, in the opinion of the Petitioner, it may be useful to draw a parallel with the Judgment in the Krajisnik Case. Mr.Krajisnik was convicted for largely identical, although much broader crime base stretching over a much longer period (1992-1995). The level of Krajisnik's political authority was significantly higher than that of the Petitioner, and in addition, Krajisnik was found to be criminally responsible as a key JCE figure. Nevertheless, Mr.

³ Case no. IT-00-39-ES, Decision of the President on Early release of Momcilo Krajisnik, 02 July 2013; Case no.MICT-15-85-ES.6, Decision of the President on Early Release of Ljubomir Borovcanin, 14 July 2016; Case no. MICT-14-67-ES.1, Decision of the President on the Early Release of Nikola Sainovic, 10 July 2015; Case no. IT9834-ES, Decision of the President on Early Release of Mladen Nale lic, 29 November 2012; Case no. MICT17-112-ES.3 Decision on the applica on for early release of Bruno Stojic, 03 November 2025;

⁴ IT-08-91, Trial Judgment, 27 March 2013, para 933;

Krajisnik was sentenced to 20 years of imprisonment, and subsequently granted early release after having served 2/3 of the sentence imposed. The gravity of crimes Krajisnik was convicted for was found to be very high and crimes were characterized as *amongst the most severe crimes known to humankind*, whose severity required severe and proportionate sentence. But still, the ICTY President granted Krajisnik's early release.

9. The Petitioner respectfully submits that he did voluntarily surrender immediately after his Indictment was made public on 11 May 2005. Therefore, he would have served his full sentence by May 2027, which is some 10 months from today, if there had not been short provisional releases granted during the ICTY summer and winter breaks. Despite this disparity between the time periods of possible and currently envisioned dates of release, the fact is that the Petitioner spent 21+ plus years either incarcerated or under restrictions imposed during short provisional releases. We respectfully submit that this fact must be taken into account as such imposed restrictions make the time spent at home amount to home imprisonment and cannot be equated to liberty.

IV. COOPERATION WITH THE PROSECUTOR

10. Stanisic's six day voluntary interview of 581 pages was admitted in its entirety into evidence at the request of the Prosecution. During the proceedings before the ICTY, as well as upon its completion, the Prosecution relied heavily on the interview and its contents.
11. The Prosecution subsequently maintained that the interview did not amount to substantial cooperation with the Prosecution. However, the importance of the Stanisic's extensive interview to the Prosecution is clear from the Prosecution's own admission that the content of the interview "*provides evidence of Stanisic position on many issues of relevance to this Trial*". Strikingly, the Prosecution relied on Stanisic's interview throughout the proceedings, in the Prosecution Pre-Trial Brief, the Prosecution opening

statement, during trial proceedings, as well as in the Prosecution's Final Trial Brief.

12. It should be noted that the AC has expressly set down that "an accused's cooperation need not be substantial for it to be taken into account as mitigating circumstance." The AC has stressed that in assessing cooperation "special regard must be had to the accused's willingness to cooperate as underlined by his actions and evidenced, in particular, by his earnestness when providing information to the Prosecution. " It has also been held that the fact of agreeing to be interviewed demonstrates willingness to cooperate.

V. DEMONSTRATION OF REHABILITATION

13. The Petitioner has served his sentence in a multi-ethnic prison. The Petitioner's fellow-inmates are of various ethnicities, and he maintained with them friendly relations. Further, the member of Petitioner's immediate family is of Croatian ethnicity. During his stay in prison, he never experienced any problems nor was he subject to any disciplinary proceedings.
14. Due to his nearly two-decade absence from home, he could not provide immediate support to members of his family, but has, at all times, kept a close and loving relationship with all members of the family. The Petitioner is in daily telephone contact with his wife, children and grandchildren. To the extent their financial situation allowed, he continued to have immediate contact with members of the closest family, who visited as much as possible.
15. If granted early release, the Petitioner will return to Belgrade, Serbia, to live with his family, at their family house. The Petitioner has necessary financial means to support himself, as he receives monthly retirement allowance –

pension. Further support to the Petitioner upon his release would be given by the members of his immediate family – wife and children.

16. The Petitioner claims that, especially given the length of his sentence, his behavior manifests great level of re-socialization. After almost 20 years from his voluntary surrender, and more than 32 years from the time the crimes were committed, the sentence already served by the Petitioner not only reduces the likelihood of further criminal conduct, but also contributes to reconciliation within the community where the crimes had been committed.

VI. RELIEF REQUESTED

17. In light of the above, the Petitioner submits that he meets all the relevant criteria for the President to consider this direct Petition and consequently decide in favor of the early release of the Petitioner upon serving 2/3 of the sentence imposed.

Word count: 1886

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Slobodan M. Zecevic', with a large, stylized initial 'S'.

Slobodan M. Zecevic



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

I - FILING INFORMATION / INFORMATIONS GÉNÉRALES

To/ À :	IRMCT Registry/ Greffe du MIFRTP		☐ Arusha/ Arusha	☒ The Hague/ La Haye
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