UNITED NATIONS

International Residual Mechanism for Criminal Tribunals

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

Date: 10 November 2026

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THE PRESIDENT OF THE MECHANISM

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

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

Decision of: **10 November 2026**

PROSECUTOR

v.

MIĆO STANIŠIĆ

PUBLIC

DECISION ON THE APPLICATION FOR EARLY RELEASE OF MIĆO STANIŠIĆ

Counsel for Mr. Mićo Stanišić:

Mr. Slobodan Zečević

1. I, Graciela Gatti Santana, President of the International Residual Mechanism for Criminal Tribunals ("President" and "Mechanism", respectively), am seised of a direct petition for early release filed by Mr. Mićo Stanišić on 4 September 2026 ("Stanišić" and "Application", respectively).[1]

I. BACKGROUND

2. On 11 March 2005, Stanišić surrendered and was transferred to the seat of the International Criminal Tribunal for the former Yugoslavia ("ICTY").[2] At his initial appearance on 17 March 2005, he pleaded not guilty to all charges against him.[3]

3. On 27 March 2013, Trial Chamber II of the ICTY ("Trial Chamber") found Stanišić guilty, pursuant to Article 7(1) of the Statute of the ICTY ("ICTY Statute"), of murder and torture as violations of the laws or customs of war, and persecution as a crime against humanity.[4] The Trial Chamber sentenced him to 22 years of imprisonment.[5]

4. On 30 June 2016, the Appeals Chamber of the ICTY dismissed Stanišić's appeal against the Trial Judgement in its entirety and affirmed his convictions and sentence.[6]

5. On 7 August 2019, Stanišić was transferred to the Republic of Poland ("Poland") to serve the remainder of his sentence.[7] On 22 January 2025, following Poland's determination that it could no longer continue enforcing the sentence, Stanišić was transferred to the United Nations Detention Unit ("UNDU") in The Hague, Kingdom of the Netherlands ("Netherlands"), pending the designation of another State willing to enforce the remainder of his sentence.[8] He has remained at the UNDU since.

6. On 17 July 2025, Stanišić was denied early release.[9] In reaching that determination, I considered, in particular, the high gravity of his crimes, his failure to demonstrate sufficient signs of

[1] Mićo Stanišić'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, 4 September 2026.
[2] *Prosecutor v. Mićo Stanišić and Stojan Župljanin*, Case No. IT-08-91-T, Judgement, 27 March 2013 ("Trial Judgement"), vol. 3, para. 1.
[3] *Prosecutor v. Mićo Stanišić*, Case No. IT-04-79-I, Transcript of 17 March 2005, pp. 18-21. *See* Trial Judgement, vol. 3, para. 1.
[4] Trial Judgement, vol. 2, para. 955.
[5] Trial Judgement, vol. 2, para. 955.
[6] *Prosecutor v. Mićo Stanišić and Stojan Župljanin*, Case No. IT-08-91-A, Judgement, 30 June 2016 (public with confidential annex C) ("Appeal Judgement"), para. 1193.
[7] *See* Order Designating the State in which Mićo Stanišić is to Serve his Sentence, 7 June 2019, p. 2. *See also* Email from the Registry of the Mechanism ("Registry") to the Office of the President, dated 12 February 2025.
[8] *See* Order for the Transfer of Mićo Stanišić to the United Nations Detention Unit on a Temporary Basis, 23 December 2024, p. 2. *See also* Email from the Registry to the Office of the President, dated 22 January 2025; Internal Memorandum from the Registrar of the Mechanism ("Registrar") to the President, dated 27 November 2024 (strictly confidential), paras. 1-4.
[9] Decision on the Application for Early Release of Mićo Stanišić, 17 July 2025 (public redacted) ("Previous Decision"), paras. 83-84.

rehabilitation, and the absence of evidence establishing compelling humanitarian grounds warranting a different conclusion.[10]

II. APPLICATION

7. On 4 September 2026, Stanišić filed the Application, seeking early release upon having served two-thirds of his sentence.[11] He intends, if released early, to reside in the Republic of Serbia ("Serbia").[12]

8. On 9 September 2026, I requested that the Registry obtain, as soon as possible, the information specified in paragraphs 10(a) to 10(c) of the applicable Practice Direction in relation to the Application.[13] This included information regarding: (i) Stanišić's behaviour during his period of incarceration at the UNDU and the general conditions of his imprisonment; (ii) any psychiatric or psychological evaluations of his mental condition, including any risks posed by his release, as well as any relevant remarks concerning his crimes and their victims; and (iii) any medical reports concerning his physical condition, including whether he is capable of continuing to serve his sentence at the UNDU.[14] I considered the UNDU best placed to provide this information, given that Stanišić had been detained there on a temporary basis since January 2025.[15]

9. On 5 October 2026, the Registrar transmitted to me a memorandum from the Commanding Officer of the UNDU, dated 30 September 2026, providing information concerning Stanišić's behaviour and his physical and mental health in relation to the Application.[16]

10. On 8 October 2026, I requested that the Registry provide Stanišić with the UNDU Commanding Officer Report.[17]

[10] Previous Decision, paras. 83-84.
[11] Application, paras. 4, 17.
[12] Application, para. 15.
[13] Internal Memorandum from the President to the Registrar, dated 9 September 2026 (confidential) ("Registrar Memorandum"), para. 2. *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] *See* Registrar Memorandum, para. 2.
[15] Registrar Memorandum, para. 2.
[16] Internal Memorandum from the Registrar to the President, dated 5 October 2026 (confidential), para. 3, *transmitting* Internal Memorandum from the Commanding Officer of the UNDU to the Registrar, dated 30 September 2026 (confidential) ("UNDU Commanding Officer Report").
[17] Internal Memorandum from the President to the Registrar, dated 8 October 2026 (confidential), para. 2. I note that Stanišić, through his Counsel, accepted to receive the material collected with respect to the Application in English. *See* Email communication from the *Chef de Cabinet* and Principal Legal Advisor to the President to Stanišić's counsel, 9 October 2026; Letter from the *Chef de Cabinet* and Principal Legal Advisor to the President to Stanišić, dated 8 October 2026 (confidential); Email communication from Stanišić's counsel to the *Chef de Cabinet* and Principal Legal Advisor to the President, 14 September 2026.

11. On 26 October 2026, Stanišić indicated that he does not intend to comment on the UNDU Commanding Officer Report.[18]

12. In determining whether early release should be granted, I have considered the Application and the UNDU Commanding Officer Report. I have also relied on information examined in the Previous Decision to the extent that it remains relevant and have concluded that the material presently available is sufficient to adjudicate the Application.

13. In accordance with Rule 150 of the Rules of Procedure and Evidence of the Mechanism ("Rules") and paragraph 16 of the Practice Direction, I consulted Judge Carmel Agius, Judge Burton Hall, and Judge Liu Daqun, in their capacity as Judges of the sentencing Chambers.[19]

III. APPLICABLE LAW

14. Pursuant 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.

15. Article 26 of the Statute provides that pardon or commutation of sentence may be granted only 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.

16. Under Rule 150 of the Rules, the President shall, upon receipt of a direct petition from a convicted person, 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.

17. The general standards for granting early release are set out in Rule 151 of the Rules, which states that, in determining whether pardon, commutation of sentence, or early release is appropriate, the President shall take into account, *inter alia*, the gravity of the crime or crimes for which the

[18] *See* Email communication from Stanišić's counsel to the *Chef de Cabinet* and Principal Legal Advisor to the President, 26 October 2026 (unclassified), in response to Email communication from the *Chef de Cabinet* and Principal Legal Advisor to the President to Stanišić's counsel, 26 October 2026 (unclassified).
[19] *See generally* Trial Judgement; Appeal Judgement.

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 ICTY or the Mechanism ("Prosecution").

18. Paragraph 10 of the Practice Direction provides 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. Pursuant to paragraph 13 of the Practice Direction, 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 provides 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 provides that, if early release is granted, it may be subject to conditions.

IV. ANALYSIS

A. Eligibility

20. 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 notification from the relevant enforcement State or a direct petition by the convicted person.[20] Serving two-thirds of a sentence has been described by the Mechanism's

[20] *Prosecutor v. Jovica Stanišić*, Case No. MICT-15-96-ES.2, Decision on the Application for Early Release of Jovica Stanišić, 25 September 2026 (public redacted) ("*Stanišić* Decision"), para. 25; *Prosecutor v. Augustin Ngirabatware*, Case No. MICT-12-29-ES.1, Decision on the Application for Commutation of Sentence or Early Release of Augustin Ngirabatware, 11 August 2026 ("*Ngirabatware* Decision"), pp. 2-3; *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.

jurisprudence as being, "in essence, an admissibility threshold".[21] It does not confer an entitlement to early release.[22]

21. Stanišić served two-thirds of his sentence on 24 September 2024.[23] I therefore find that he is eligible to be considered for early release.

B. General Standards for Granting Early Release

22. 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.[24] 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.[25] In this regard, the mere passage of time cannot constitute sufficient grounds for early release.[26]

1. Gravity of Crimes

23. 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.[27]

24. 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

[21] *Stanišić* Decision, para. 25; *Ngirabatware* 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.
[22] *See infra* para. 22.
[23] Previous Decision, para. 30. I note that, according to the Mechanism's calculations, Stanišić will have completed his sentence in full by 21 January 2032. *Cf.* Application, para. 9.
[24] *Stanišić* Decision, para. 27; *Prosecutor v. Radislav Krstić*, Case No. MICT-13-46-ES.1, Decision on the Application for Early Release of Radislav Krstić, 6 July 2026 (public redacted) ("*Krstić* Decision of 6 July 2026"), para. 24; *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.
[25] *Stanišić* Decision, para. 27; *Krstić* Decision of 6 July 2026, para. 24; *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.
[26] *Stanišić* Decision, para. 27; *Krstić* Decision of 6 July 2026, para. 24; *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.
[27] *Prosecutor v. Milan Martić*, Case No. MICT-14-82-ES, Decision on the Application for Early Release of Milan Martić, 4 February 2026 (public redacted) ("*Martić* Decision"), para. 33; *Prosecutor v. Alfred Musema*, Case No. MICT- 12-15-ES.1, Decision on the Application for Early Release of Alfred Musema, 12 January 2026 (public redacted) ("*Musema* Decision"), para. 29; *Krstić* Decision of 15 November 2022, para. 33.

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.[28]

25. Stanišić was convicted, pursuant to Article 7(1) of the ICTY Statute, of murder and torture as violations of the laws or customs of war, and persecution as a crime against humanity, through his participation in a joint criminal enterprise, whose common purpose was to permanently remove Bosnian Muslims and Bosnian Croats from the territory of the planned Serbian state.[29]

26. The gravity of Stanišić's crimes, including his submissions concerning its relevance to the present determination, was addressed in detail in the Previous Decision.[30] In the absence of any changes warranting a different assessment, I reaffirm my previous conclusion that the gravity of his crimes is high. Accordingly, this factor weighs against granting early release.

2. Treatment of Similarly-Situated Prisoners

27. Decisions on early release have emphasised that persons sentenced by the ICTR, the ICTY, or the Mechanism, like Stanišić, are considered "similarly-situated" to all other prisoners under the Mechanism's supervision.[31] The eligibility threshold of having served two-thirds of the sentence applies to all convicted persons serving a sentence under the Mechanism's supervision.[32]

28. Stanišić's submissions that early release is appropriate in view of the treatment of similarly-situated prisoners, including his comparison with Mr. Momčilo Krajišnik, were raised and addressed in the Previous Decision.[33] I have considered these submissions again but see no reason to depart from my previous conclusion that they do not justify early release. It bears reiterating that, once a convicted person has been found eligible to be considered for early release, further comparisons with similarly-situated prisoners are of limited utility in determining whether early release is appropriate, as each case presents unique circumstances that must be considered on their own merits.

3. Demonstration of Rehabilitation

29. Before turning to an individualised assessment of Stanišić's demonstration of rehabilitation, I note that the Mechanism's jurisprudence expands upon certain elements pertaining to whether a

[28] *Martić* Decision, para. 34; *Musema* Decision, para. 30; *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.
[29] *See* Trial Judgement, vol. 2, paras. 313, 729-765, 771, 928-929, 955. *See* Appeal Judgement, para. 5.
[30] *See* Previous Decision, paras. 34-40. *See also* Application, para. 6.
[31] *Stanišić* Decision, para. 31; *Martić* Decision, para. 42; *Bisengimana* Decision, paras. 16-17.
[32] *See supra* para. 20.
[33] *See* Previous Decision, paras. 42-43. *See also* Application, paras. 6, 8.

convicted person has demonstrated rehabilitation under Rule 151 of the Rules, and I find it appropriate to set this out here.

30. 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.[34] This is a non-exhaustive list and convicted persons are not expected to fulfil all of these indicators in order to demonstrate rehabilitation.[35]

31. It falls upon the convicted person to demonstrate that sufficient progress has been made in his or her rehabilitation, and that granting early release before the full sentence is served would be a responsible exercise of the President's discretion.[36] 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.[37]

32. Turning to the extent to which Stanišić has demonstrated rehabilitation, I note that the most probative materials before me are the Application, the UNDU Commanding Officer Report, and the relevant information considered in the Previous Decision.

(a) Behaviour in Prison

33. Good behaviour in prison is the very minimum to be expected of a convicted person while serving his or her sentence.[38] In my view, such good behaviour cannot on its own demonstrate rehabilitation of a person convicted for some of the most heinous international crimes.[39]

[34] *Stanišić* Decision, para. 36; *Martić* Decision, para. 46; *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"), para. 39 and references cited therein.
[35] *Stanišić* Decision, para. 36; *Martić* Decision, para. 46; *Bralo* Decision, para. 39.
[36] *Stanišić* Decision, para. 37; *Martić* Decision, para. 47; *Bralo* Decision, para. 39.
[37] *Stanišić* Decision, para. 37; *Martić* Decision, para. 47; *Bralo* Decision, para. 38.
[38] *Stanišić* Decision, para. 39; *Martić* Decision, para. 49; *Krstić* Decision of 15 November 2022, para. 49.
[39] *Stanišić* Decision, para. 39; *Martić* Decision, para. 49; *Bralo* Decision, para. 38.

34. In the Previous Decision, I found that, based on the available information, Stanišić's behaviour in prison had been notably positive and merited commendation.[40] The UNDU Commanding Officer Report indicates that Stanišić's behaviour at the UNDU has likewise been consistently exemplary.[41] He is described as polite and respectful, and as reliably complying with instructions.[42] No incidents of aggressive or otherwise problematic behaviour towards staff or other detainees, or disciplinary issues, have been reported.[43]

35. Stanišić submits that he has served his sentence in a multi-ethnic prison environment, where he maintained friendly relations with inmates of different ethnic backgrounds.[44] He also points to the Croatian ethnicity of a member of his immediate family.[45] He argues that he has never experienced problems in prison or been the subject of disciplinary proceedings.[46]

36. I commend Stanišić for his continued good behaviour and consider his assertion that he has maintained friendly relations with persons of different ethnic backgrounds to be relevant, particularly given the discriminatory nature of some of the crimes for which he was convicted. However, as noted in the Previous Decision and 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.[47] It is therefore necessary to consider the other relevant elements, to which I now turn.

(b) Acceptance of Responsibility, Signs of Critical Reflection, and Expressions of Genuine Remorse or Regret

37. 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.[48]

[40] Previous Decision, para. 52.
[41] UNDU Commanding Officer Report, para. 4.
[42] UNDU Commanding Officer Report, para. 4.
[43] UNDU Commanding Officer Report, para. 4.
[44] Application, para. 13.
[45] Application, para. 13.
[46] Application, para. 13.
[47] Previous Decision, para. 52. *See supra* para. 33.
[48] *Stanišić* Decision, para. 43; *Martić* Decision, para. 52; *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.

38. In the Previous Decision, I found that none of the information before me indicated any concrete actions evidencing Stanišić's purported rehabilitation.[49] I was therefore not convinced that he had genuinely accepted responsibility for his crimes, shown sufficient signs of critical reflection, or genuine remorse.[50] I have considered whether the Application and the new information before me demonstrate a change in this respect.

39. The Application does not expressly accept responsibility for the crimes for which Stanišić was convicted.[51] Nor does it identify concrete steps undertaken since the Previous Decision that demonstrate a different degree of critical reflection upon his conduct or its consequences for the victims.[52] Instead, Stanišić relies principally on his good behaviour in prison,[53] his relationships with persons of different ethnic backgrounds,[54] the passage of time,[55] and the prospect that his release would contribute to reconciliation within the community.[56] While these matters are relevant to the assessment of rehabilitation, they do not directly address the concerns identified in the Previous Decision: whether Stanišić has demonstrated a sufficiently developed understanding of, and responsibility for, the crimes for which he was convicted.[57]

40. The UNDU Commanding Officer Report indicates that, to the UNDU's knowledge, Stanišić has not made statements to staff concerning the crimes for which he was convicted or their victims that would enable the UNDU to provide a meaningful assessment of his views in this regard.[58]

41. I therefore find that the information presently available does not demonstrate a change in this aspect of Stanišić's rehabilitation since the Previous Decision. I remain unconvinced that he has demonstrated sufficient acceptance of responsibility, critical reflection, or genuine remorse to warrant the exceptional measure of early release.

(c) Prospects of Successful Reintegration into Society

42. Stanišić intends, if released early, to return to Serbia.[59] He submits that he has maintained a "close and loving relationship" with his wife, children, and grandchildren, despite his lengthy absence from home.[60] He states that he remains in daily telephone contact with them and that members of his

[49] Previous Decision, para. 57.
[50] Previous Decision, paras. 57, 61, 83.
[51] *See* Application.
[52] *See* Application.
[53] Application, para. 13.
[54] Application, para. 13.
[55] Application, paras. 9, 16.
[56] Application, para.16.
[57] *See* Previous Decision, paras. 54-57, 61, 83.
[58] UNDU Commanding Officer Report, para. 9.
[59] Application, para. 15.
[60] Application, para. 14.

family have visited him as frequently as their financial circumstances permitted.[61] Stanišić further contends that he has sufficient financial means to support himself through his monthly pension and would receive additional financial and practical support from his wife and children.[62]

43. Stanišić submits that, particularly in view of the length of his sentence, his behaviour demonstrates a high degree of resocialization.[63] He further asserts that the sentence he has already served reduces the likelihood of further criminal conduct and contributes to reconciliation within the community where the crimes were committed.[64] In support of these submissions, he points to the more than 32 years that have elapsed since the commission of the crimes.[65]

44. The UNDU Commanding Officer Report confirms that Stanišić maintains regular contact with his wife, children, and grandchildren.[66]

45. I consider Stanišić's family relationships, proposed living arrangements, and stated ability to support himself financially upon release to be positive factors in the assessment of his prospects for reintegration. Nevertheless, those considerations cannot, on their own, establish that early release is appropriate. Stanišić's assertion that his release would contribute to reconciliation is undeveloped and, in any event, must also be assessed alongside the nature of his crimes, the extent of his demonstration of rehabilitation, and all other relevant circumstances.

(d) Overall Assessment

46. I have considered all the information before me. While Stanišić continues to exhibit good behaviour in detention and has maintained family relationships that would support his reintegration into society, the new evidence does not sufficiently address the concerns regarding his lack of acceptance of responsibility and critical reflection identified in the Previous Decision. I am therefore not persuaded that Stanišić has demonstrated a sufficient degree of rehabilitation to justify early release at this time.

4. Substantial Cooperation with the Prosecutor

47. Stanišić repeats his submissions concerning his prior cooperation with the Prosecution in July 2007, which were raised and addressed in the Previous Decision.[67] I see no reason to depart from my previous assessment that Stanišić had not shown that the nature and extent of this cooperation in

[61] Application, para. 14.
[62] Application, para. 15.
[63] Application, para. 16.
[64] Application, para. 16.
[65] Application, para. 16.
[66] UNDU Commanding Officer Report, para. 5.
[67] Application, paras. 10-12. *See* Previous Decision, paras. 62-64.

July 2007 was "substantial" and that he had not demonstrated any further cooperation with the Prosecution during the enforcement of his sentence. Consequently, no weight is attached to Stanišić's current submissions.

C. Other Considerations

1. Comments and Information Provided by the Prosecution, Views of Serbia, and Impact on Victims and Witnesses

48. In assessing the Application, I have remained mindful of the information collected in the context of the Previous Decision, including the comments and information provided by the Prosecution, the views expressed by Serbia, and the information concerning the potential impact of Stanišić's early release on victims and witnesses.[68]

2. Health of the Convicted Person

49. Previous decisions have taken into account the state of the convicted person's health in the context of an early release application.[69] 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.[70]

50. In the present case, neither the Application nor the UNDU Commanding Officer Report suggests that Stanišić's state of health is of such seriousness as to make his continued imprisonment inappropriate or to warrant early release on humanitarian grounds. I therefore find no basis, on the material presently available, for granting early release on this ground.

3. Consultation

51. In coming to my decision on whether to grant the Application, I have consulted with three other Judges of the Mechanism in line with Rule 150 of the Rules and paragraph 16 of the Practice Direction.[71] All three Judges agree that the Application should be denied. Judge Agius emphasises Stanišić's failure to demonstrate remorse and to accept responsibility for the crimes of which he was convicted and sentenced. Judge Liu, for his part, notes the absence of any new evidence demonstrating a substantial change in circumstances since the previous application for early release

[68] *See* Previous Decision, paras. 65-77.
[69] *Stanišić* Decision, para. 70; *Ngirabatware* Decision, p. 3; *Bisengimana* Decision, para. 32.
[70] *Stanišić* Decision, para. 70; *Ngirabatware* Decision, p. 4; *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.
[71] *See supra* para. 13.

and accordingly maintains his position that the Application should be denied. Judge Hall concurs with the reasons expressed by Judges Agius and Liu.

52. I am grateful for my Colleagues for their views and have taken them into account in my ultimate assessment of the Application.

V. CONCLUSION

53. I am of the opinion that the Application should be denied. While Stanišić is eligible to be considered for early release, there are significant factors militating against his early release, including the high gravity of his crimes and his failure to sufficiently demonstrate rehabilitation. Further, there is no evidence establishing the existence of compelling humanitarian grounds that would otherwise warrant overriding this negative assessment.

VI. DISPOSITION

54. 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.

Done this 10th day of November 2026,
At The Hague,
The Netherlands.

_____
Judge Graciela Gatti Santana
President

UNITED NATIONS
International Residual Mechanism
for Criminal Tribunals

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

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Case Name/ *Affaire* : Prosecutor v. Mićo Stanišić **Case Number/ *Affaire n°* :** MICT-13-53-ES.2

Date Created/ *Daté du* : 10/11/2026 **Date transmitted/ *Transmis le* :** 10/11/2026 **Number of Pages/ *Nombre de pages* :** **13**

Original Language/ *Langue de l'original* : ☒ English/ *Anglais* ☐ French/ *Français* ☐ Kinyarwanda ☐ B/C/S ☐ Other/*Autre* (specify/ *préciser*):

Title of Document/ *Titre du document* : Decision on the Application for Early Release of Mićo Stanišić

Classification Level/ *Catégories de classification* :
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☐ Submission from non-parties/ *Écritures déposées par des tiers*
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☐ Affidavit/ *Déclaration sous serment*
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