

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-14-67-ES.2

Date: 13 August 2025

Original: English

BEFORE THE PRESIDENT

Before: The Honorable Judge Graciela Gatti Santana

Registrar: Mr. Abubacarr Tambadou

Date Filed: 13 August 2025

THE PROSECUTOR

v.

NEBOJŠA PAVKOVIĆ

Public redacted

**URGENT
NEBOJŠA PAVKOVIĆ'S APPLICATION FOR EARLY RELEASE**

The Office of the Prosecutor:

Mr. Serge Brammertz

Counsel for Nebojša Pavković:

Mr. Aleksandar Aleksić

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INTRODUCTION AND BACKGROUND

1. On 23 January 2014, the Appeals Chamber of the ICTY ("Appeals Chamber"): (i) affirmed Pavković's convictions for murder, persecution, deportation, and other inhumane acts (forcible transfer) as crimes against humanity and murder as a violation of the laws or customs of war (ii) reversed, in part, Pavković's convictions for these crimes insofar as they concerned specific incidents; and (iii) affirmed Pavković's sentence of 22 years of imprisonment.¹
2. On 25 August 2014, Pavković was transferred to Finland to serve the remainder of his sentence.²
3. Pursuant to Articles 5-8 of the Practice Direction on the Procedure for Determination of Applications for Pardon, Commutation of Sentence and Early

¹ Prosecutor v. Nikola Šainović et al., Case No. IT-05-87-A, Judgement, 23 January 2014 ("Appeal Judgement") paras. 9, 1844, 1847.

² Order Designating State in which Nebojša Pavković is to Serve his Sentence, 13 March 2014,

Release of Persons Convicted by the ICTR, the ICTY, or the Mechanism (“Practice Direction”), and further, in accordance with Article 26 of the Statute and Rules 150 and 151 of the MICT Rules of Procedure and Evidence (“Rules”), the defense counsel of Mr. Pavković files this urgent Application for Early Release.

COMPELLING HUMANITARIAN GROUNDS

4. The jurisprudence of this Tribunal considered deteriorated health of the convicted person to be a relevant factor in relation to the decision on early release.³
5. Mr. Pavković’s further imprisonment will certainly adversely and additionally affect his physical (but also mental) health, especially having in mind his condition at the moment.
6. Mr. Pavković was diagnosed with [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
7. According to the communication with the client and Embassy of Republic of Serbia in Finland, Mr. Pavković’s physical health has, to this moment, deteriorated to the extent of life threat. For the last few days he has not taken food, he is receiving infusions, he has been malaise and generally feels very bad.
8. The Defense contends that if Mr. Pavković’s imprisonment would continue, he will not be able to at least spend the last period of his life surrounded by his family members who would be able to provide him with care and treatment in domestic conditions.

³ Order of the President on the Early Release of Tihomir Blaskic, 29 July 2004; Order of the President on the Application for the Early Release of Milan Simic, 27 October 2003; Decision of the President on the Application for Pardon or Commutation of Sentence of Pavle Strugar, 16 January 2009.
[REDACTED]

PREVIOUS APPLICATION FOR EARLY RELEASE OF MR. PAVKOVIĆ

Eligibility for Early Release

9. The Decision on Mr. Pavković's request for early release was issued on 18 May 2022 (hereinafter: "the Decision"). Hence, the President of the MICT has already determined that Mr. Pavković is eligible for early release, having served the 2/3 of his sentence on 28 August 2020.⁵
10. Mr. Pavković surpassed his 2/3 of the sentence threshold by 4 years and 11 months (excluding this day). The eligibility for early release according to this criteria is therefore indisputable.

OTHER CONSIDERATIONS

Contact with the family

11. Jurisprudence of the ICTY, ICTR and MICT consider strong relations with the family as one of the significant factors in deciding on applications for early realisation. The Defense contends that if Mr. Pavković's imprisonment would continue, he will not be able to at least spend the last period of his life surrounded by his family members who would be able to provide him with care and treatment in domestic conditions.
12. Through the period of his imprisonment, Pavković maintained regular and close contact with his family, who visited him as much as the finances allowed, and through regular almost daily phone contact. Pavković has 6 children and 3 grandchildren and plan to spend time with them. Having in mind his age and health condition, Pavković wants to dedicate himself to his grandchildren and children, and will not engage in other activities, especially not politics.

⁵ Decision on the application for early realisation of Nebojša Pavković, 18 May 2022, para 30

13. After early release, Pavković states that he shall live [REDACTED]
[REDACTED]

14. It is certain that Mr. Pavković's return to his community will not result in any kind of discomfort or trouble for anyone. His present health condition and prognosis life-span must be taken into consideration as compelling humanitarian ground for granting this urgent application.

[REDACTED]

15. [REDACTED]

16. Pro bono counsel reserves his right to supplement this motion with additional pertinent evidence in favor of the application, should he come into possession of such evidence upon the filing of this motion.

Relief Sought

17. Pro bono counsel respectfully requests the President of MICT to grant Mr. Pavković's Urgent Application for Early Release on compelling humanitarian grounds. Pavković remains at the President's disposal for any additional comments if deemed necessary.

Word Count: 987

Respectfully Submitted:



ALEKSANDAR M. ALEKSIĆ
Attorney at Law
Counsel for Nebojša Pavković



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

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