

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

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

Date: 26 September 2025

Original: English

THE PRESIDENT OF THE MECHANISM

Before: Judge Graciela Gatti Santana, President

Registrar: Mr. Abubacarr M. Tambadou

Decision of: 26 September 2025

PROSECUTOR

v.

NEBOJŠA PAVKOVIĆ

CONFIDENTIAL

**DECISION ON THE APPLICATION
FOR EARLY RELEASE OF NEBOJŠA PAVKOVIĆ**

Counsel for Mr. Nebojša Pavković:

Mr. Aleksandar Aleksić

Republic of Finland

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

RECALLING that Mr. Nebojša Pavković (“Pavković”) is serving a 22-year sentence of imprisonment in the Republic of Finland, following his conviction by the International Criminal Tribunal for the former Yugoslavia (“ICTY”) 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;¹

BEING SEISED of a direct petition for early release filed confidentially by Pavković on 30 July 2025, in which he requests early release based on compelling humanitarian grounds;²

RECALLING my request of 1 August 2025 and my orders of 13 August and 11 September 2025, wherein I sought additional information on Pavković’s health condition from the prison authorities and an independent medical expert (“IME”);³

NOTING the five medical reports filed by Pavković, the Finnish authorities, and the IME, conveying updated information on Pavković’s health condition, including diagnoses, prognoses, and treatment options;⁴

RECALLING that, pursuant to Article 25(2) of the Statute of the Mechanism (“Statute”), the Mechanism shall have the power to supervise the enforcement of sentences pronounced by the International Criminal Tribunal for Rwanda (“ICTR”), the ICTY, or the Mechanism;

¹ See Order Designating State in Which Nebojša Pavković is to Serve his Sentence, 13 March 2014, p. 1; *Prosecutor v. Nikola Šainović et al.*, Case No. IT-05-87-A, Judgement, 23 January 2014, paras. 9, 1844, 1847; *Prosecutor v. Milan Milutinović et al.*, Case No. IT-05-87-T, Judgement, 26 February 2009, vol. III, paras. 788, 1210.

² Urgent Nebojša Pavković’s Application for Early Release, 30 July 2025 (confidential) (“Application”), paras. 5-8, 11, 14, 17. A public version of the Application was filed on 13 August 2025. See Order for a Public Redacted Version of Nebojša Pavković’s Application for Early Release, 12 August 2025. I note that Pavković submits the views of the Republic of Serbia (“Serbia”) in relation to his possible early release. See Application, Annex B. I further note that the Prosecutor of the Mechanism (“Prosecutor”), although not a party to enforcement proceedings, filed a response to the Application. See Prosecution Response to Pavković’s Early Release Application, 5 August 2025 (confidential).

³ Request to the Republic of Finland Related to the Application for Early Release of Nebojša Pavković, 1 August 2025 (confidential), p. 2; Order for Appointment of an Independent Medical Expert, 13 August 2025 (confidential), p. 2; Order for Updated Report from Independent Medical Expert, 11 September 2025 (confidential), p. 2.

⁴ Addendum [to] Urgent Defen[c]e Application for Early Release, 8 August 2025 (confidential), Annex A; Verbal Note, 12 August 2025 (confidential), Registry Pagination 165; Registrar’s Fourth Submission in Relation to the “Order for Appointment of an Independent Medical Expert” of 13 August 2025, 9 September 2025 (confidential), para. 7, Annex; Second Addendum [to] Urgent Defen[c]e Application for Early Release, 26 September 2025 (confidential), para. 5, Annex A; Registrar’s Submission in Relation to the “Order for Updated Report from Independent Medical Expert” of 11 September 2025, 26 September 2025 (confidential), Annex.

RECALLING that, 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;⁵

RECALLING that, pursuant to Rule 150 of the Rules, upon a State notification or direct petition from the convicted person, 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 Rule 151 of the Rules sets out the general standards for granting pardon, commutation of sentence, or early release;

RECALLING that early release may be granted subject to conditions⁶ and that, in cases of extreme urgency, the President may dispense with the procedural steps set forth in the Practice Direction to the extent required to meet the urgency, accelerate the consultation with other Judges, and, if necessary, issue a decision with reasons to follow;⁷

RECALLING that previous decisions on early release have determined that the state of a convicted person's health may be taken into account in the context of an application for early release, especially when the seriousness of the condition makes it inappropriate for the convicted person to remain in prison any longer;⁸

RECALLING Security Council resolutions 2529 (2020), 2637 (2022), and 2740 (2024) referring to the importance of ensuring the rights of persons detained on the authority of the Mechanism in accordance with applicable international standards, including those related to health care;⁹

⁵ 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 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.

⁶ 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"), para. 20.

⁷ Practice Direction, para. 21.

⁸ *Prosecutor v. Goran Jelisić*, Case No. MICT-14-63-ES, Decision on the Application for Early Release of Goran Jelisić, 13 August 2025 (public redacted) ("*Jelisić* Decision"), para. 81; *Prosecutor v. Ratko Mladić*, Case No. MICT-13-56, Decision on the Application for Release of Ratko Mladić, 29 July 2025 (public redacted), para. 24; *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.

⁹ Security Council Resolution 2529 (2020), 25 June 2020, para. 11; Security Council Resolution 2637 (2022), 22 June 2022, para. 13; Security Council Resolution 2740 (2024), 27 June 2024, para. 16.

CONSIDERING that, in view of the information before me, there are compelling humanitarian reasons demanding Pavković's early release, subject to appropriate conditions;

CONSIDERING that, in line with Rule 150 of the Rules and paragraphs 16 and 21 of the Practice Direction, I have consulted with Judge Liu Daqun and Judge Iain Bonomy of the sentencing Chambers;

CONSIDERING further that Judge Liu and Judge Bonomy agree that the Application should be granted on account of compelling humanitarian reasons;

PURSUANT TO Articles 25(2) and 26 of the Statute and Rules 150 and 151 of the Rules;

HEREBY GRANT, with reasons to follow, the Application, **SUBJECT TO**:

- i. the conditions set out in the annexed Conditional Early Release Agreement ("Agreement"); and
- ii. Serbia filing on the judicial record in this case a confirmation that all conditions of the Agreement will be monitored and complied with; and

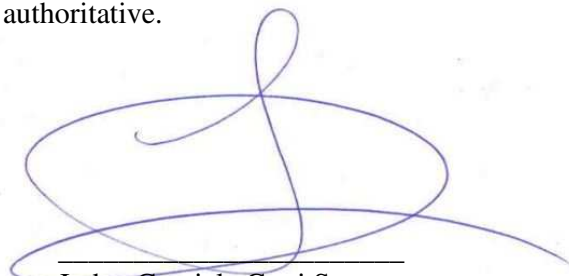
DIRECT the Registrar of the Mechanism ("Registrar") to:

- i. urgently liaise with the authorities of Serbia to obtain and confidentially file Serbia's confirmation that all conditions of the Agreement will be monitored and complied with;
- ii. urgently liaise with the Finnish authorities to obtain the signed Agreement;
- iii. provide the authorities of Serbia and the Prosecutor with this decision as soon as possible;
- iv. in the event that Pavković agrees with and signs the Agreement, and Serbia submits the necessary confirmation, take all necessary measures in coordination with the Finnish authorities, to facilitate Pavković's immediate and urgent transfer to Serbia;
- v. should Pavković be transferred to Serbia, and following receipt of information from the Serbian authorities that Pavković has arrived at his place of residence, lift the confidential status of this decision and publicly file the signed Agreement; and
- vi. once Pavković is transferred to Serbia, ensure that the IME organises a monthly consultation with Pavković, and subsequently file a confidential report of each such consultation on the

judicial record in this case, containing updated information on Pavković's health condition, including his prognosis and life expectancy.

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

Done this 26th day of September 2025,
At The Hague,
The Netherlands.



Judge Graciela Gatti Santana
President

[Seal of the Mechanism]



ANNEX

CONDITIONAL EARLY RELEASE AGREEMENT

Name: _____

Date of Birth: _____

I, the undersigned, declare that:

1. I have received the authoritative English version of this document, as well as the official translation into Bosnian/Croatian/Serbian (“BCS”), and have been advised by my recognised counsel (“Counsel”) with regard to its contents, including the individual conditions set forth herein.
2. I have read, understand, and agree to comply fully with all conditions of my early release, as set forth below.
3. I agree to comply fully with all of the following conditions:
 - A. I shall remain under the supervision of a monitoring authority designated by Serbia (“Monitoring Authority”) during the remainder of my sentence (until 25 December 2027);
 - B. I shall comply with any requirement made of me by the Monitoring Authority;
 - C. I shall notify the Monitoring Authority of my address of residence in Serbia, as well as the address of any medical clinic where I will receive treatment;
 - D. I shall remain within the confines of my residence or the relevant medical clinic during the remainder of my sentence. My presence at any other location, apart from during transit between the above two as necessary, must be requested before the President and approved in advance. Should an advance request not be possible due to an emergency situation, notice must be given as soon as possible, but in any event within 24 hours, and the President may then take appropriate steps;
 - E. I shall be subject to surveillance undertaken by authorised officials of the Monitoring Authority throughout my presence in Serbia;
 - F. I shall surrender all my travel documents to the Monitoring Authority for the entire duration of my conditional release;
 - G. I shall submit to a monthly consultation with the independent medical expert in my case, who shall subsequently submit a report of such consultation for filing on the judicial record;
 - H. I shall surrender to the Serbian authorities with a view to being transferred to the custody of the Mechanism, should the President so order for any reason;
 - I. I shall have no contact whatsoever with or, directly or indirectly, try to harm, intimidate, or otherwise interfere with, victims or witnesses who testified in my case or other cases before the International Criminal Tribunal for the former Yugoslavia (“ICTY”) or the

Mechanism and/or members of their respective families, with the sole exception being contact with witnesses who testified in my own defence;

- J. I shall not interfere in any way with the proceedings of the Mechanism or the administration of justice;
- K. I shall not violate any orders issued by the ICTY or the Mechanism, and shall not otherwise reveal the identities of witnesses or potential witnesses in any way;
- L. I shall not discuss my case, including any aspect of the events in the former Yugoslavia that were the subject of my case, with the media, through social media, or with anyone other than my Counsel, unless this has been specifically authorised in advance by the President;
- M. I shall not make any statement denying the crimes over which the ICTY had jurisdiction, and over which the Mechanism retains jurisdiction, that were committed during the conflict in the former Yugoslavia;
- N. I shall under no circumstances, directly or indirectly, express publicly any agreement with, or otherwise contribute in any way to, the glorification of persons convicted by the ICTY or the Mechanism;
- O. I shall conduct myself honourably and peacefully in the community in which I will reside, and shall not engage in meetings or associations intended to plan civil unrest or actively engage in any political activities except for voting;
- P. I shall deposit any firearms and other weapons requiring a licence with the Serbian authorities, and shall not purchase, possess, use, or handle any firearms or other weapons requiring a license;
- Q. I shall not commit any offence that is punishable by any term of imprisonment, nor shall I publicly or privately incite or promote such an offence;
- R. I shall notify the Monitoring Authority of any arrest, summons, or questioning by a law enforcement officer; and
- S. I shall make efforts to contribute to my rehabilitation and resocialisation.

4. I understand and agree that I shall be subject to the conditions stated herein, unless they are revoked or modified, until the completion of my sentence.

5. I understand and agree that any change in the foregoing conditions can only be authorised by the President.

6. I understand and agree that if I violate or otherwise fail to comply fully with any of the conditions set out in this agreement, then my early release may be revoked at the sole discretion of the President.

7. I understand and accept that Serbia is obligated to:



- (a) designate the authorised official(s) into whose custody I shall be delivered;
- (b) notify, as soon as practicable, the Registrar of the name(s) of the designated official(s);
- (c) designate a Monitoring Authority to supervise my conditional release in Serbia;
- (d) ensure my personal security and safety while on conditional release in Serbia;
- (e) provide 24-hour surveillance of me throughout my conditional release in Serbia;
- (f) cover any expenses that may arise in connection with my conditional release in Serbia;
- (g) revoke any licenses for firearms or other weapons that I may possess and ensure that no new licences are issued to me until the expiration of my sentence;
- (h) report immediately to the Registrar any threats to the security of any person as a consequence of my conditional release in Serbia;
- (i) detain me immediately should I breach any conditions of this agreement, and report immediately such breach to the Mechanism;
- (j) transfer me immediately to the custody of the Mechanism following a request by the Mechanism to do so; and
- (k) submit to the Registrar every month and for filing on the judicial record, a written report concerning my adherence to the conditions of my release.

8. I understand that once I have signed the authoritative English version of this document, as well as the official BCS translation, the original signed document (in both languages) is to be provided to the Registry of the Mechanism, which will subsequently file it publicly on the judicial record in the case *Prosecutor v. Nebojša Pavković*, Case No. MICT-14-67-ES.2, and that until I have been transferred to my place of residence, this matter must remain confidential for reasons of security.

Signature: _____

Name: _____

Date: _____

Witnessed by:

Signature: _____



Name: _____

Date: _____



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Date Created/ Daté du :	26 September 2025		Date transmitted/ Transmis le :	26 September 2025		Number of Pages/ Nombre de pages :	9
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