

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-13-56-ES

Date: 1 December 2025

Original: English

THE PRESIDENT OF THE MECHANISM

Before: Judge Graciela Gatti Santana, President
Registrar: Mr. Abubacarr M. Tambadou
Decision of: 1 December 2025

PROSECUTOR

v.

RATKO MLADIĆ

PUBLIC

**DECISION ON RATKO MLADIĆ'S REQUEST FOR
RECONSIDERATION OF DECISION ON RELEASE**

Counsel for Mr. Ratko Mladić:

Mr. Dragan Ivetić
Mr. Branko Lukić

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

RECALLING that, on 8 June 2021, the Appeals Chamber of the Mechanism (“Appeals Chamber”) affirmed: (i) the convictions of Mr. Ratko Mladić (“Mladić”) for genocide, persecution, extermination, murder, deportation and inhumane acts (forcible transfer) as crimes against humanity, and murder, terror, unlawful attacks on civilians and taking of hostages as violations of the laws or customs of war; and (ii) his sentence of life imprisonment;¹

RECALLING that Mladić, following his final conviction, has remained at the United Nations Detention Unit in The Hague, awaiting designation of and his transfer to a State where he will serve the remainder of his sentence;

RECALLING that, on 11 November 2025, I denied a motion filed by Mladić, requesting provisional release on compassionate grounds for a period of seven days to permit him to visit the grave and attend memorial services for a close family member who recently passed away;²

BEING SEISED of a motion filed by Mladić on 20 November 2025, requesting that I reconsider the Decision of 11 November 2025 and grant the Motion;³

NOTING Mladić’s submissions that the Decision of 11 November 2025 is manifestly unreasonable and contains clear errors of reasoning amounting to injustice because: (i) the risks posited in the Decision of 11 November 2025 rendered an incorrect conclusion of fact insofar as the Republic of Serbia (“Serbia”) and the *Republika Sprska* have provided guarantees, which were not available at the time of the decision;⁴ and (ii) the Decision of 11 November 2025 ignored the totality of evidence before me that includes reports on Mladić’s limited independent mobility, which impacts his flight risk;⁵

¹ *Prosecutor v. Ratko Mladić*, Case No. MICT-13-56-A, Judgement, 8 June 2021 (public redacted), para. 592. *See Prosecutor v. Ratko Mladić*, Case No. IT-09-92-T, Judgement, 22 November 2017 (public with confidential annex), paras. 5214-5215.

² Decision on the Application for Release of Ratko Mladić, 11 November 2025 (“Decision of 11 November 2025”). *See Urgent Defen[c]e Motion for Provisional Release on Compassionate Grounds for a Fixed Period to Permit Attendance at 40-day Memorial Ceremony*, 5 November 2025 (confidential and *ex parte*) (“Motion”).

³ Motion to Reconsider President’s Decision of 11 November 2025, “Decision on the Application for Release of Ratko Mladić” (confidential and *ex parte*) (“Request”), paras. 2, 20.

⁴ Request, paras. 2, 11-12.

⁵ Request, paras. 13-16, 20.

RECALLING that a party requesting reconsideration of a decision must demonstrate the existence of a clear error of reasoning in the impugned decision, or that particular circumstances exist justifying reconsideration in order to avoid injustice;⁶

CONSIDERING that, in the Decision of 11 November 2025, I noted that Mladić had sought and expected to receive guarantees from the authorities of Serbia and the *Republika Sprska*, and that I did not consider it necessary to wait for such guarantees as they would not impact my assessment of the Motion;⁷

CONSIDERING that State guarantees are not dispositive of provisional release determinations;⁸

CONSIDERING that the Decision of 11 November 2025 accounted for Mladić's submissions that his physical condition demonstrated that he was not a flight risk;⁹

CONSIDERING that, to the extent advanced age and physical conditions are relevant to the consideration of the risk that a person seeking release of a temporary nature might not return to the custody of the Mechanism, the assessment of whether such release is warranted is made on a case-by-case basis;¹⁰

CONSIDERING that, contrary to Mladić's submissions,¹¹ his status as fugitive prior to his arrest and the determinations of the Trial Chamber of the International Criminal Tribunal for the former Yugoslavia and the Appeals Chamber to not grant him provisional release, the last of which was made in 2019, were relevant to my assessment of the Motion, in accordance with well-established jurisprudence;¹²

⁶ See e.g. *Prosecutor v. Radovan Karadžić*, Case No. MICT-13-55, Decision on Radovan Karadžić's Motion for Disqualification and Reconsideration of the Dismissal of Notice of Sentencing Appeal, 14 July 2020, p. 3; *Prosecutor v. Alfred Musema*, Case No. MICT-12-15-ES.1, Decision on the Request for Reconsideration of the Decision Denying Early Release, 10 January 2020, p. 1.

⁷ Decision of 11 November 2025, fn. 4. I observe in this respect that I would have expected Mladić to also request and submit guarantees from the government of Bosnia and Herzegovina. See *Prosecutor v. Radovan Karadžić*, Case No. MICT-13-55-A, Decision on Motions for Provisional Release and Temporary Release to Attend a Memorial Service, 31 May 2016 ("Karadžić Decision"), para. 9.

⁸ *Prosecutor v. Ratko Mladić*, Case No. MICT-13-56-A, Decision on a Motion for Provisional Release, 19 March 2019 (confidential) ("Decision of 19 March 2019"), p. 3; *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-AR65.1, Public Redacted Version of "Decision on Interlocutory Appeal Against Decision on Urgent Defence Motion for Provisional Release" Issued on 27 June 2017, 30 June 2017, para. 16; *Prosecutor v. Ante Gotovina et al.*, Case No. IT-06-90-AR108bis.2, Decision on Croatia's Request for Review of the Trial Chamber's Decision on Provisional Release, 17 January 2008, para. 12.

⁹ Decision of 11 November 2025, p. 1.

¹⁰ See Decision of 19 March 2019, p. 3; *Karadžić Decision*, para. 7.

¹¹ See Request, para. 14.

¹² Decision of 19 March 2019, p. 3; *Karadžić Decision*, para. 10. See Decision of 11 November 2025, p. 2.

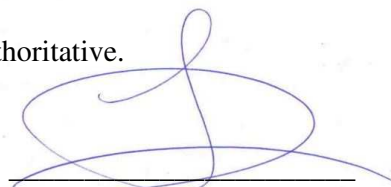
FINDING that, in light of the above, Mladić has failed to justify reconsideration of the Decision of 11 November 2025;

FOR THE FOREGOING REASONS,

HEREBY DENY the Request.

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

Done this 1st day of December 2025,
At The Hague,
The Netherlands.



Judge Graciela Gatti Santana
President

[Seal of the Mechanism]



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Case Name/ Affaire :	Prosecutor v. Ratko Mladić		Case Number/ Affaire n° :	MICT-13-56-ES
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