

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-13-56-ES

Date: 14 May 2026

Original: English

THE PRESIDENT OF THE MECHANISM

Before: Judge Graciela Gatti Santana, President

Registrar: Mr. Abubacarr M. Tambadou

Decision of: 14 May 2026

PROSECUTOR

v.

RATKO MLADIĆ

PUBLIC REDACTED VERSION

**DECISION ON THE APPLICATION FOR RELEASE
OF RATKO MLADIĆ**

Counsel for Mr. Ratko Mladić:

Mr. Dragan Ivetić
Mr. Branko Lukić

1. I, Graciela Gatti Santana, President of the International Residual Mechanism for Criminal Tribunals (“President” and “Mechanism”, respectively), am seised of a request filed by Mr. Ratko Mladić (“Mladić”) on 23 April 2026, seeking provisional or conditional early release on compelling humanitarian grounds.¹

I. BACKGROUND

2. On 26 May 2011, Mladić was arrested in the Republic of Serbia (“Serbia”) and, on 31 May 2011, he was transferred to the United Nations Detention Unit (“UNDU”) in The Hague, Kingdom of the Netherlands (“Netherlands”).²

3. On 22 November 2017, Trial Chamber I of the International Criminal Tribunal for the former Yugoslavia (“Trial Chamber” and “ICTY”, respectively) convicted Mladić of: (i) genocide; (ii) persecution, extermination, murder, deportation and inhumane acts (forcible transfer) as crimes against humanity; and (iii) murder, terror, unlawful attacks on civilians and taking of hostages as violations of the laws or customs of war.³ The Trial Chamber sentenced him to life imprisonment.⁴

4. On 8 June 2021, the Appeals Chamber of the Mechanism (“Appeals Chamber”) rendered its judgement, affirming Mladić’s convictions and sentence.⁵

5. Mladić has since remained at the UNDU, awaiting the designation of and his transfer to a State where he will serve the remainder of his sentence. At this point, Mladić has served approximately 15 years of his life sentence.

II. APPLICATION AND RELEVANT MATERIAL

6. Given the President’s supervisory role over the conditions of detention of the persons under the authority of the Mechanism at the UNDU, as well as Mladić’s particular circumstances, Mladić’s

¹ Urgent Defence Motion Seeking (Alternatively) Provisional or Early Release of Mr. Ratko Mladić Based on Humanitarian Grounds, 23 April 2026 (confidential) (“Application”), paras. 1-2, 24-28, Registry Pagination (“RP”) 1970. Following an order I issued on 28 April 2026, Mladić filed a public redacted version of the Application on 30 April 2026. See Urgent Defence Motion Seeking (Alternatively) Provisional or Early Release of Mr. Ratko Mladić Based on Humanitarian Grounds, 30 April 2026 (public redacted); Order for a Public Redacted Version of Ratko Mladić’s Motion for Release, 28 April 2026, p. 2.

² *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-T, Judgment, 22 November 2017 (public with confidential annex) (“Trial Judgement”), para. 5222.

³ Trial Judgement, para. 5214.

⁴ Trial Judgement, para. 5215.

⁵ *Prosecutor v. Ratko Mladić*, Case No. MICT-13-56-A, Judgment, 8 June 2021 (public redacted) (“Appeal Judgement”), para. 592.

healthcare involves a strict monitoring regime with regular reports to the President.⁶ The monitoring and reporting is done by the UNDU Medical Service and independent medical experts and remains ongoing.

7. On 17 April 2026, the UNDU Medical Service submitted a report, bearing the same date, informing me, *inter alia*, that: (i) Mladić had a medical incident on 10 April 2026 (“Medical Incident”), during which he appeared to be struggling with [REDACTED] and for which he was immediately taken to a civilian hospital from where he was discharged the same day “in stable condition”; (ii) Mladić is “very weak and vulnerable” and lacks the ability to [REDACTED]; (iii) a “potentially reversible cause is being treated”; and (iv) in light of Mladić’s vulnerability, age, and comorbidity, it is impossible to determine the direction this health setback will take, but it is clear that he “is approaching the end of life”.⁷

8. On 23 April 2026, Mladić filed the Application, requesting provisional or conditional early release on the basis that: (i) he is “in a state of advanced, irreversible medical decline resulting from a medical incident [on] 10 April 2026 [...], and is approaching the end of his life”; and (ii) a medical transfer, even if temporary, to a specialised hospital or hospice in Serbia would allow for continuous monitoring and follow-up investigations that he is currently not receiving.⁸ The Application was accompanied, *inter alia*, by: (i) two reports prepared by a [REDACTED] and a [REDACTED] who visited him on 22 April 2026, pursuant to Rule 48 of the Rules of Detention (“Rule 48 Reports”),⁹ both indicating that he suffers from a “serious, life-threatening” condition that cannot be adequately treated in the UNDU or the prison hospital;¹⁰ and (ii) [REDACTED].¹¹

9. On 24 April 2026, the same day on which I received the Application, considering that I would benefit from independent medical expert (“IME”) opinions on: (i) Mladić’s current health condition, including relevant diagnoses, prognoses, and treatment options; (ii) the extent to which his life expectancy can be assessed; (iii) the adequacy of his care at the UNDU or the prison hospital in line with the existing care directives agreed upon by Mladić; and (iv) the issues raised in the Rule 48

⁶ Order on Medical Reports, 18 January 2022 (confidential); Further Order on Medical Reports, 3 August 2022 (confidential); Public Redacted Version of “Third Order on Medical Reports” of 15 September 2022, 19 October 2023.

⁷ Registrar’s Submission in Relation to the “Third Order on Medical Reports” of 15 September 2022, 17 April 2026 (confidential), Annex (“UNDU Medical Report of 17 April 2026”), RP 1911-1910.

⁸ Application, paras. 1-2, 7, 15, 20, 24-28, RP 1970.

⁹ Rules Governing the Detention of Persons Awaiting Trial or Appeal Before the Mechanism or Otherwise Detained on the Authority of the Mechanism, 5 November 2018 (“Rules of Detention”).

¹⁰ Application, paras. 7, 12, 16-24, Annexes B-C.

¹¹ Application, paras. 8, 26, Annex D.

Reports, I instructed the Registrar of the Mechanism (“Registrar”) to file confidentially on the record no later than 1 May 2026 IME opinions assessing the above-mentioned issues.¹²

10. On 1 May 2026, the UNDU Medical Service submitted another report, bearing the same date, informing me, *inter alia*, that: (i) Mladić’s physical state has deteriorated significantly since the UNDU Medical Report of 17 April 2026, as a result of which he can no longer [REDACTED], and [REDACTED]; (ii) the UNDU Reporting Medical Officer had “not seen [Mladić] look so weak and lacking in energy before” and questions whether Mladić [REDACTED]; and (iii) Mladić is “in an even more fragile situation than he has ever been whilst in [UNDU] care” but the UNDU Medical Service will continue to provide the necessary “nursing home care” for him.¹³

11. On 7 May 2026, the Registrar, following a request for extension of time which I had granted¹⁴: (i) filed an additional report by the UNDU Medical Service, dated 6 May 2026;¹⁵ (ii) filed the report of one of the IMEs, also dated 6 May 2026;¹⁶ and (iii) requested a further extension until 8 May 2026 for the filing of the second IME report.¹⁷ The UNDU Medical Report of 6 May 2026 states that: (i) on 2 May 2026, Mladić showed an [REDACTED], after which he was transferred to a civilian hospital for further examination; (ii) a [REDACTED]; and (iii) the Medical Incident was classified as a [REDACTED].¹⁸

12. The IME [REDACTED] Report states that: (i) on 10 April 2026, Mladić experienced “[REDACTED]” that appeared to recover later that day; (ii) by 29 April 2026, Mladić had almost entirely stopped [REDACTED]; (iii) on 2 May 2026, Mladić’s condition worsened and a [REDACTED] revealed that the Medical Incident had been [REDACTED].¹⁹ The IME concludes that: (i) the Medical Incident was probably a [REDACTED], from which Mladić partially recovered, but which led, on 2 May 2026, to [REDACTED] or [REDACTED]; (ii) all medical professionals

¹² Order for Independent Medical Expert Assessment, 24 April 2026 (confidential) (“Order of 24 April 2026”), pp. 2-3. A public redacted version of the Order of 24 April 2026 was filed on 28 April 2026. *See* Order for an Independent Medical Expert Assessment, 28 April 2026 (public redacted).

¹³ Registrar’s Submission in Relation to the “Third Order on Medical Reports” of 15 September 2022, 1 May 2026 (confidential), Annex (“UNDU Medical Report of 1 May 2026”).

¹⁴ Decision on Registrar’s Request for an Extension of Time to File the Reports of the Independent Medical Experts, 1 May 2026, p. 2. *See* Registrar’s Submission in Relation to the “Order for an Independent Medical Expert Assessment” of 24 April 2026, 1 May 2026 (confidential), paras. 1, 12.

¹⁵ Registrar’s Consolidated Submission in Relation to the “Third Order on Medical Reports” of 15 September 2022; the “Order for an Independent Medical Expert Assessment” of 24 April 2026; and the “Further Submission of Defence in Relation to Urgent Defence Motion Seeking (Alternatively) Provisional or Early Release of Mr. Ratko Mladić Based on Humanitarian Grounds” of 5 May 2026, 7 May 2026 (confidential) (“First Registrar Submission”), para. 19, Annex C (“UNDU Medical Report of 6 May 2026”).

¹⁶ First Registrar Submission, para. 20, Annex A (“IME [REDACTED] Report”).

¹⁷ First Registrar Submission, para. 21.

¹⁸ UNDU Medical Report of 6 May 2026, p. 1.

¹⁹ IME [REDACTED] Report, p. 4.

agree that he is in the terminal stage of his illness and is approaching the end of his life; (iii) regarding life expectancy, demise within one month would be expected in 30-50 per cent and within one year in 80-90 per cent in comparable cases; (iv) Mladić's health is closely followed by the UNDU Medical Service and the prison hospital, and appropriate action is taken; and (v) in contrast to one of the Rule 48 Reports, he had not detected signs of "[REDACTED]" as there was no [REDACTED] prior to the Medical Incident.²⁰

13. On 8 May 2026, I, *inter alia*: (i) granted the requested extension for the filing of the second IME report; (ii) instructed the Registrar to file, no later than 11 May 2026, a comprehensive overview of the visitation regime available to Mladić at the UNDU and the prison hospital and information on the number and duration of visits Mladić has received at the UNDU and/or the prison hospital from family and friends since August 2025; and (iii) ordered Mladić to file any final submissions, specifically on the IME reports, no later than 12 May 2026.²¹

14. On 8 May 2026, the Registrar filed the second IME report, bearing the same date.²² The IME [REDACTED] Report states that: (i) Mladić suffered a [REDACTED]; (ii) his end of life is approaching rapidly; and (iii) for several years, Mladić has been very closely monitored by the medical team of the UNDU and the prison hospital with all medical actions conforming with recognised international standards and evidence-based medicine, and the overall approach to his comfort being "humane and appropriate".²³ The IME further notes that the criticism levelled in the Rule 48 Reports is unjustified, either factually incorrect or contra-indicated by Mladić's medical situation.²⁴

15. On 11 May 2026, the Registrar filed a further submission providing information regarding Mladić's visitation regime.²⁵ The Registrar reports that: (i) Mladić may receive up to ten full days of in-person visits per month; (ii) in view of Mladić's health status, UNDU management remains open to considering additional requests for visits on a case-by-case basis; (iii) UNDU management has committed to facilitate visits on very short notice, including overnight stays in his cell at the prison hospital when passing is deemed imminent; (iv) video teleconferences ("VTCs") are currently

²⁰ IME [REDACTED] Report, pp. 4-7.

²¹ Decision on Interim Requests and Order for Submissions, 8 May 2026 (confidential), p. 3.

²² Registrar's Third Submission in Relation to the "Order for an Independent Medical Expert Assessment" of 24 April 2026, 8 May 2026 (confidential), para. 20, Annex A (originally filed in Dutch). An English translation was filed on 12 May 2026. See Registrar's Fifth Submission in Relation to the "Order for an Independent Medical Expert Assessment" of 24 April 2026, 12 May 2026 (confidential), para. 2, Annex ("IME [REDACTED] Report").

²³ IME [REDACTED] Report, pp. 3-4.

²⁴ IME [REDACTED] Report, pp. 4-5.

²⁵ Registrar's Submission in Relation to the "Order for an Independent Medical Expert Assessment" of 24 April 2026 and the "Decision on Interim Requests and Order for Submissions" of 8 May 2026, 11 May 2026 (confidential) ("Second Registrar Submission").

technically unavailable at the prison hospital, but UNDU management is assessing alternative solutions; and (v) from August 2025 until 8 May 2026, Mladić has received 93 visits from family and friends, with eight in-person visits at the UNDU, 25 in-person visits at the prison hospital, and 60 VTCs, with the durations of these visits ranging from 30 minutes to seven hours.²⁶

16. On 12 May 2026, Mladić filed his final submissions arguing, *inter alia*, that: (i) both IME reports illustrate the serious nature of his failing health; (ii) under these circumstances further detention has ceased to be a proportionate measure and humanitarian concerns dictate his release as continued detention would amount to “cruel-inhumane treatment”; and (iii) aspects of the IME reports’ conclusions, including on the adequacy of care in the UNDU, remain disputed by various Serbian doctors.²⁷

17. In reaching my conclusion with regard to the Application, I have consulted with Judge Alphons Orié as a Judge of the Trial Chamber and Judge Prisca Matimba Nyambe, Judge Aminatta Lois Runeni N’gum, Judge Seymour Panton, and Judge Mustapha El Baaj as Judges of the Appeals Chamber,²⁸ in line with Rule 150 of the Rules of Procedure and Evidence of the Mechanism (“Rules”) and paragraphs 16 and 17 of the applicable Practice Direction.²⁹

III. PRELIMINARY ISSUES

18. Mladić seeks provisional release in the alternative to his request for early release.³⁰ Considering, however, that he submits that he is approaching the end of his life,³¹ I do not consider it appropriate to assess whether *provisional* release should be granted. In any event, humanitarian release, whether termed “provisional” or “early”, must demonstrate compelling or exceptional circumstances. I will therefore consider the Application solely as a request for early release.

19. In addition, the Office of the Prosecutor of the Mechanism (“Prosecution”) has requested access to the Application and the IME reports in order to allow it to file a response based on all the relevant documentation.³² I also received a number of letters from various individuals, groups, and

²⁶ Second Registrar Submission, paras. 21-25.

²⁷ Defence Submissions Pursuant to President’s “Decision on Interim Requests and Order for Submissions” of 8 May 2026, 12 May 2026 (confidential) (“Defence Submissions”), paras. 6, 8, 12-17, Annexes D-G.

²⁸ See generally Trial Judgement; Appeal Judgement.

²⁹ 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”).

³⁰ Application, paras. 2, 26, RP 1970.

³¹ See, e.g., Application, paras. 1, 10, 20, 24.

³² Urgent Prosecution Motion for Access to Mladić’s Confidential Motion for Provisional or Early Release (“Prosecution Motion”), 1 May 2026, paras. 1, 3-4. See also Response in Opposition to Urgent Prosecution Motion for Access to Mladić’s Confidential Motion for Provisional or Early Release, 4 May 2026.

entities advocating for or against Mladić's release ("Unsolicited Letters"). In the context of early release applications, the Practice Direction provides discretion in deciding which information may be relevant for the President's determination.³³ Considering that the sole basis for the Application is the purported existence of compelling humanitarian grounds, which, if proven, would override any eligibility concerns, I do not find it necessary, in the present circumstances, to receive any other submissions. Accordingly, I dismiss the Prosecution Motion and will not consider the Unsolicited Letters.

IV. APPLICABLE LAW

20. Pursuant to Article 26 of the Statute of the Mechanism ("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. While Article 26 of the Statute, like the equivalent provisions in the Statutes of the International Criminal Tribunal for Rwanda ("ICTR") and the ICTY, does not specifically mention requests for early release of convicted persons, the Rules reflect the President's power to deal with such requests, which is consistent with the longstanding practice of the ICTR, the ICTY, and the Mechanism.

21. Rule 150 of the Rules provides that the President shall, upon receipt of a direct petition from the 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.

22. The general standards for granting early release are set out in Rule 151 of the Rules, which provides that, in making a determination on pardon, commutation of sentence, or early release, the President shall take into account, *inter alia*, the gravity of the crime or crimes for which the prisoner was convicted, the treatment of similarly-situated prisoners, the prisoner's demonstration of rehabilitation, and any substantial cooperation of the prisoner with the Prosecution.

23. Paragraph 19 of the Practice Direction specifies 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,

³³ See Practice Direction, Articles 10, 14.

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.

24. Paragraph 21 of the Practice Direction states, *inter alia*, 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.

V. ANALYSIS

A. Standards for Granting Early Release

25. In the context of an early release application, serving two-thirds of a sentence has been described by the Mechanism’s jurisprudence as being “in essence, an admissibility threshold”.³⁴ Having served approximately 15 years of his life sentence,³⁵ Mladić has not yet reached the eligibility threshold for early release.³⁶

26. However, the Mechanism’s jurisprudence provides that compelling or exceptional circumstances could also arise in specific instances prior to the two-thirds threshold having been reached, which, in the exercise of my discretion as President, may overcome any eligibility concerns.³⁷ Further, I recall that if a particular situation requires the release of a convicted person based on compelling humanitarian grounds, it is immaterial whether any of the factors set out in Rule 151 of the Rules weigh in favour of or against the convicted person’s early release.³⁸ In such a

³⁴ *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), para. 30; *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), para. 26; *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), para. 19.

³⁵ See *supra* para. 5.

³⁶ When applying the two-thirds threshold requirement to another convicted person who had also been sentenced to life imprisonment, the then-President determined that the threshold in that case should be “equivalent to more than a sentence of 45 years”, based in part on the fact that at the time, the highest fixed-term sentence imposed by the ICTR, the ICTY, or the Mechanism was imprisonment for 45 years. See *Prosecutor v. Stanislav Galić*, Case No. MICT-14-83-ES, Reasons for the President’s Decision to Deny the Early Release of Stanislav Galić and Decision on Prosecution Motion, 23 June 2015 (public redacted), para. 35. Since then, a higher fixed-term sentence of 47 years has been imposed by the ICTR and the impact, if any, of this sentencing decision upon future applications for the early release of persons serving a sentence of life imprisonment will be addressed if and when required. See *e.g. Prosecutor v. Vujadin Popović*, Case No. MICT-15-85-ES.2, Decision on the Application for Early Release of Vujadin Popović, 20 June 2025 (“*Popović Decision*”), p. 4.

³⁷ Decision on the Application for Release of Ratko Mladić, 29 July 2025 (public redacted) (“*Decision of 29 July 2025*”), para. 24; *Popović Decision*, p. 4; *Prosecutor v. Laurent Semanza*, Case No. MICT-13-36-ES, Decision of the President on the Early Release of Laurent Semanza, 9 June 2016 (public redacted), para. 18.

³⁸ *Prosecutor v. Dominique Ntawukulilyayo*, Case No. MICT-13-34-ES, Decision on the Application for Early Release of Dominique Ntawukulilyayo, 18 February 2026 (public redacted) (“*Ntawukulilyayo Decision*”), para. 42; Decision of 29 July 2025, para. 25; *Prosecutor v. Radoslav Brđanin*, Case No. MICT-13-48-ES, Reasons for the 3 September 2022

scenario, it is the specific and prevailing circumstances, often due to the convicted person's health condition, that will dictate whether the person should be released in accordance with the Mechanism's legal framework.³⁹

27. As Mladić's submissions are exclusively based on compelling humanitarian grounds, my determination of the Application is solely guided by whether the information before me indicates that the circumstances surrounding Mladić's health and imprisonment demand his early release for humanitarian reasons.

B. Humanitarian Considerations

28. The medical conditions that have led to the release of persons on the basis of humanitarian or compassionate considerations, whether post-conviction or during ongoing proceedings, represented acute terminal illnesses.⁴⁰ Requests premised solely on the combination of advanced age and poor health have not met the threshold of "acute justification" in the absence of demonstration of the existence of an acute crisis or a life-threatening medical condition.⁴¹ This notwithstanding, the ultimate question is whether humanitarian or compassionate considerations demand Mladić's release in the current circumstances.

29. Mladić submits that the seriousness of the current decline in his health following the Medical Incident is a central humanitarian consideration, as it demonstrates "not only acute deterioration but also heightened and imminent risk of catastrophic medical outcome, including [REDACTED] or death", and that his continued detention serves no legitimate penological purpose and risks constituting inhuman and degrading treatment.⁴² According to Mladić, his current condition requires continuous monitoring and coordinated multidisciplinary care consistent with hospital-level treatment and therefore cannot be adequately treated in the prison hospital, but necessitates medical transfer to a specialised hospital or hospice in Serbia.⁴³ Mladić also submits that the [REDACTED] deficits from which he continues to suffer after the Medical Incident directly impair his ability to engage meaningfully with treating physicians, and that since, if incapacitated, his son would have

Decision on the Application for Early Release of Radoslav Brđanin, 26 September 2022 (public redacted) ("Reasons for Brđanin Decision"), para. 37.

³⁹ *Ntawukuliyayo* Decision, para. 42; Decision of 29 July 2025, para. 25; Reasons for Brđanin Decision, para. 37.

⁴⁰ See Decision of 29 July 2025, para. 31.

⁴¹ Decision of 29 July 2025, para. 31, referring to *Prosecutor v. Zdravko Tolimir*, Case No. MICT-15-95-ES, Public Redacted Version of the "Decision on Motion for Provisional Release" Filed on 28 January 2016, 23 February 2016, para. 9.

⁴² Application, paras. 1-2, 10, 20, 24. See Defence Submissions, paras. 7-8.

⁴³ Application, paras. 7, 15, 20, 22, 24-26; Defence Submissions, para. 8.

decision-making authority, the exercise of such authority would greatly be improved if Mladić were released to Serbia.⁴⁴

30. The IMEs, however, conclude that Mladić has been monitored and treated appropriately by the UNDU Medical Service and the prison hospital, with all medical actions conforming with recognised international standards and evidence-based medicine.⁴⁵ They have not identified inadequate care or treatment that may favour release and refute the criticism of the Rule 48 Reports as either factually incorrect or contra-indicated by Mladić's medical situation.⁴⁶ I have carefully considered Mladić's additional contentions as to why the IMEs cannot be relied upon.⁴⁷ However, given their long-standing medical relationship with Mladić and comprehensive monitoring and reporting that have continuously supported a complex, adaptive, effective and compassionate care regime for Mladić, I place particular weight on the IMEs' assessments.

31. Mladić has been a fragile and vulnerable UNDU detainee for years and has received continuous, multidisciplinary, and compassionate care from the UNDU Medical Service, the prison hospital, and supporting civilian hospitals in the Netherlands.⁴⁸ Since the Medical Incident, Mladić's condition has further deteriorated significantly. All medical professionals agree that Mladić is in the final stages of his life.⁴⁹ Presently, one IME has projected that there is a 30-50 per cent chance that he will die within a month and an 80-90 per cent chance that he will die within a year; the other IME defers to this assessment.⁵⁰ All involved physicians emphasise that the ultimate goal is maximising Mladić's comfort.⁵¹

32. Mladić's poor prognosis, when viewed in isolation, understandably can lead to the presumption that continued imprisonment is, or inevitably will be, cruel, inhuman, or degrading, requiring humanitarian or compassionate release. This presumption rests, however, upon a number of assumptions, including: (i) prison systems are unable to provide timely and adequate medical care for prisoners who are approaching or are in the terminal phase of their lives; (ii) prisoners face undue barriers in accessing appropriate specialist treatment, palliative care, or hospice care; (iii) prison conditions generally exacerbate the vulnerabilities associated with serious illness and advanced age,

⁴⁴ Application, paras. 5, 11-13, 17. *See also* Application, para. 14 (arguing that interpreter-mediated communication further compounds the problem, risking that the treating physicians do not fully appreciate the severity of his [REDACTED] impairment); Defence Submissions, para. 11.

⁴⁵ IME [REDACTED] Report, p. 5; IME [REDACTED] Report, p. 4.

⁴⁶ IME [REDACTED] Report, pp. 5-7; IME [REDACTED] Report, pp. 4-5.

⁴⁷ Defence Submissions, paras. 12-13.

⁴⁸ *See* Decision of 29 July 2025, paras. 32-34, 36.

⁴⁹ *See supra* paras. 7, 12, 14.

⁵⁰ IME [REDACTED] Report, p. 5; IME [REDACTED] Report, p. 4.

⁵¹ *See supra* paras. 10, 12, 14.

and do not adequately safeguard dignity; and (iv) incarceration prevents sufficient and meaningful family contact.

33. In this context, the determination of whether humanitarian or compassionate grounds demand Mladić's release cannot be based solely on his health situation, but also the circumstances in the detention setting and whether they sufficiently safeguard his health and human dignity. Based on the information before me, and as detailed below, the presumption that Mladić's continued imprisonment is, or inevitably will be, cruel, inhuman, or degrading is effectively rebutted.

34. At this moment, Mladić is permanently housed in the newly built, state-of-the-art prison hospital facility equipped to provide multidisciplinary care for prisoners with complex medical conditions and comprehensive support for all activities of daily living. The reports from the UNDU and the IMEs illustrate that the prison administration allows for timely action to provide for necessary and urgent treatment, including transfer to civilian hospitals.⁵² Mladić's condition is constantly monitored by the UNDU Medical Service, prison hospital staff, and external experts who are all familiar with his medical situation and treatment regime, which is regularly adapted based on fluctuations in his condition.⁵³ In addition, I note that Mladić has access to interpretation services and UNDU staff that speak his language.⁵⁴ While Mladić's recent decline in his [REDACTED] is concerning and presents additional challenges for his care, I note that further interactions have taken place (for example with the IMEs), that a [REDACTED] has assessed him, and that Mladić makes "[REDACTED]".⁵⁵ In this context, the UNDU and the prison hospital have taken appropriate steps to mitigate risks presented by any language barrier, and I request the Registrar to continue ensuring necessary access to interpretation bearing in mind Mladić's fragile and fluctuating health.

35. Furthermore, and as detailed in a previous decision,⁵⁶ Mladić's palliative care needs are fully met in the prison hospital. He continues to benefit from a care-centred approach that includes comprehensive support for all activities of daily living.⁵⁷ The record, including Mladić's own prior statements,⁵⁸ demonstrate that the UNDU and the prison hospital provide extraordinary palliative care with individualised support centred on ensuring Mladić's maximum comfort.

⁵² See *supra* paras. 7, 10, 12, 14.

⁵³ See Decision of 29 July 2025, paras. 34, 36.

⁵⁴ Decision of 29 July 2025, fn. 18.

⁵⁵ IME [REDACTED] Report, pp. 3-4; IME [REDACTED] Report, p. 2; UNDU Medical Report of 1 May 2026, para. 6.

⁵⁶ Decision of 29 July 2025, paras. 32-37.

⁵⁷ Decision of 29 July 2025, paras. 34-35; UNDU Medical Report of 1 May 2026, paras. 7-9.

⁵⁸ Decision of 29 July 2025, fn. 69.

36. Finally, the information before me does not suggest that Mladić's imprisonment is impermissibly isolating or incompatible with maintaining meaningful family contact necessary to ensure his dignity and humane treatment. As held in a previous decision, Mladić has had "access to telephone calls without restriction from his room" in the prison hospital and VTCs when at the UNDU, and arrangements allow him to also receive visits at the prison hospital "in a private and undisturbed setting" even when he is unable to leave his bed.⁵⁹ The UNDU has adopted a proactive and caring approach with respect to this aspect of Mladić's emotional well-being by facilitating the maximum accommodation of his needs for family visits.⁶⁰ From August 2025 to 8 May 2026, he has received a total of 93 visits from family and friends: 33 in-person and 60 via VTCs, which have spanned from 30 minutes to seven hours.⁶¹

37. Mladić benefits from ten full days of in-person family visits per month (an allowance that has not always been fully utilised), and the UNDU management has further indicated its willingness to consider additional physical visitations on a case-by-case basis under the current circumstances.⁶² The Registrar additionally confirmed that arrangements are in place to facilitate visits on very short notice should Mladić's condition deteriorate even further. In particular, the prison authorities have agreed that family members may remain overnight at Mladić's bedside during the final phase of life.⁶³

38. On the basis of the information before me, I am not convinced that humanitarian or compassionate considerations demand Mladić's release. Mladić's continued imprisonment has not become incompatible with international standards of detention aimed at ensuring humane treatment. His continued presence in the prison hospital and under the UNDU's supervision is neither inhumane, nor an affront to his dignity. Remaining there does not pose threats to his well-being that might otherwise be accommodated in a hospital setting, for example, in Serbia.

39. Mladić is approaching the end of his life. The Application makes clear that his continued incarceration is neither his, nor his family's preferred outcome. This preference, however, must be viewed in the context of the unique and significant penological goal underpinning sentences imposed on persons convicted of international crimes: the sentence, beyond deterrence, is intended to reflect the international community's condemnation of the behaviour in question and its unwillingness to tolerate serious violations of international humanitarian law and human rights.⁶⁴ For most, spending

⁵⁹ Decision of 29 July 2025, para. 37.

⁶⁰ Decision of 29 July 2025, para. 37.

⁶¹ Second Registrar Submission, para. 25.

⁶² Second Registrar Submission, para. 21.

⁶³ Second Registrar Submission, para. 23.

⁶⁴ See Decision of 29 July 2025, fn. 54; Rule 125 of the Rules; *Prosecutor v. Zlatko Aleksovski*, Case No. IT-95-14/1-A, Judgement, 24 March 2000, para. 185. See also *Prosecutor v. Momčilo Krajišnik*, Case No. IT-00-39-A, Judgement,

the final phase of their life in a home environment and in close proximity to family and friends offers profound comfort. As explained above, that outcome, however, is not required to guarantee the fundamental rights or dignity of Mladić, who receives a high level of comprehensive and compassionate care.

VI. CONSULTATION

40. In coming to my decision on whether to grant the Application, I consulted with five other Judges of the Mechanism, each having ruled on Mladić's sentence.⁶⁵ Judge Orić, Judge N'gum, Judge Pantonić, and Judge El Baaj are of the view that the Application should be denied. Judge Pantonić reasons that the evidence indicates that Mladić is receiving the best possible care as regards his comfort and treatment. There is no question of inhumane treatment and nothing to indicate that his condition would improve or that he would be more comfortable upon release. Judge El Baaj emphasises that Mladić is detained in a sophisticated prison hospital facility equipped to provide multidisciplinary care for prisoners, and it is well established that he does not suffer from any degrading treatment. Judge Orić is of the view that dying in the UNDU should be avoided to the extent reasonably possible. However, while it is apparent that Mladić is coming closer to the end of his life, according to the IMEs, his statistical life expectancy does not require his immediate release. Furthermore, Judge Orić is of the view that Mladić's release from prison would not enable the medical relief sought and concludes that his continued detention is, in the current circumstances, not inhumane, cruel or degrading. Judge N'gum emphasises that there is nothing to suggest that Mladić's treatment is inadequate, or that his conditions are inhumane or degrading. On the contrary, Judge N'gum questions whether Mladić's interests are served by removing him from the care of those who have effectively treated him for years – including through the COVID-19 pandemic – in view of the particular risks associated with travel and change of environment for persons in Mladić's condition. Judge Nyamweya concludes that she would be in favour of granting the Application, noting Mladić's terminal prognosis, acute [REDACTED] deterioration, and impaired [REDACTED], and that palliative care is intended to include family contact and comfort, which is better provided in a non-prison setting.

17 March 2009, paras. 775-777. Different considerations also apply depending on whether release is sought prior to or post-conviction. Detention in the former is aimed primarily at: (i) securing the trial appearance of an accused who benefits from the presumption of innocence; and (ii) the protection of victims and witnesses. *See* Decision of 29 July 2025, fn. 54, referring to Rule 68(B) of the Rules.

⁶⁵ *See supra* para. 17.

41. I am very grateful for my Colleagues' views on these matters and for providing them on an exceptionally short notice. I have carefully reflected upon their observations and have taken them into consideration in my ultimate assessment of the Application.

VII. CONCLUSION

42. Mladić's current situation is dire. He is in the final stages of his life.

43. As President, I have repeatedly found that humanitarian considerations may demand the release of a person convicted for genocide, crimes against humanity, or war crimes. In *Ntawukulilyayo*, I was satisfied that Mr. Ntawukulilyayo suffered from serious and progressively deteriorating medical conditions, which had not been, and would not be, adequately managed within the prison and held that his imprisonment, in the specific circumstances of his case, was inconsistent with humanitarian principles and basic dignity.⁶⁶ In *Pavković*, I was convinced that Mr. Pavković suffered from an acute terminal illness and that the quick deterioration of his condition had led to a situation where the most optimal palliative treatment could no longer be administered in a prison environment, creating a situation incongruous with his basic rights.⁶⁷ In *Simatović*, while Mr. Simatović's prognosis was poor regardless of whether he would receive further medical treatment, I considered it essential that he not be precluded from receiving the additional treatment that would not be administered in the Netherlands given that an IME had identified such treatment as reflective of the consensus of the international medical community. Releasing Mr. Simatović to Serbia was, at the time, the only option before me that would ensure he could benefit from a final chance to improve his condition, even if only slightly.⁶⁸ Lastly, in *Brđanin*, I was convinced that Mr. Brđanin's rapidly deteriorating medical condition represented an acute terminal illness at a very advanced stage, with indications of a very short maximum life expectancy.⁶⁹

44. The present case is distinguishable. The conditions at the UNDU and the prison hospital are of such high quality that Mladić's comfort can be maximally ensured, without the detention setting exacerbating the situation in a manner that results in inhuman or undignified treatment. There is no additional treatment available elsewhere that is unavailable in the Netherlands. Lastly, Mladić's condition, while very serious, deteriorating, and approaching death, is mainly based on a chronic and multifaceted illness, distinguishable from an acute terminal disease with a faster progression. For

⁶⁶ *Ntawukulilyayo* Decision, para. 65.

⁶⁷ *Prosecutor v. Nebojša Pavković*, Case No. MICT-14-67-ES.2, Reasons for the 26 September 2025 Decision on the Application for Early Release of Nebojša Pavković, 8 October 2025 (public redacted), para. 27.

⁶⁸ *Prosecutor v. Franko Simatović*, Case No. MICT-15-96-ES.1, Reasons for the 29 August 2023 Decision on the Application for Early Release of Franko Simatović, 11 September 2023 (public redacted), paras. 48-49.

⁶⁹ Reasons for *Brđanin* Decision, paras. 53-54, 57.

Mladić, upholding his dignity and fundamental rights, including creating sufficient possibilities for him to be surrounded by family and friends, does not require his release, given the information currently before me. On the contrary, Mladić continues to receive comprehensive and compassionate treatment, including assistance with all activities of daily living, from qualified doctors (including medical experts), nursing staff, and prison staff. His current care in the prison hospital builds upon years of effective and adaptive treatment of his multiple and complex health issues. He benefits from an exceptional visitation regime, which allows for frequent contact with his friends and family, including the possibility of family members to be present with him during his final moments.

VIII. DISPOSITION

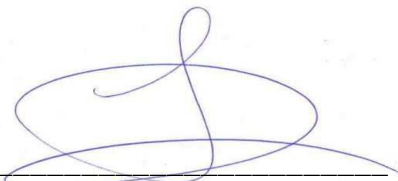
45. For the foregoing reasons, and pursuant to Article 26 of the Statute, I hereby **DENY** the Application.

46. The Registrar is **REQUESTED** to continue ensuring necessary access to interpretation bearing in mind Mladić's fragile and fluctuating health.

47. The Registrar is **DIRECTED** to provide the Prosecution with the public redacted version of this decision as soon as possible.

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

Done this 14th day of May 2026,
At The Hague,
The Netherlands.



Judge Graciela Gatti Santana
President

[Seal of the Mechanism]



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Date Created/ Daté du :	14/05/2026	Date transmitted/ Transmis le :	14/05/2026	Number of Pages/ Nombre de pages :	15	
Original Language/ Langue de l'original :	<input checked="" type="checkbox"/> English/ Anglais	<input type="checkbox"/> French/ Français	<input type="checkbox"/> Kinyarwanda	<input type="checkbox"/> B/C/S	<input type="checkbox"/> Other/Autre (specify/ préciser):	
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