

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-15-96-ES.2

Date: 28 April 2026

Original: English

BEFORE THE PRESIDENT OF THE MECHANISM

Before: Judge Gatti Santana, President

Registrar: Mr. Abubacarr Tambadou

Date: 28 April 2026

PROSECUTOR

v.

JOVICA STANIŠIĆ

***PUBLIC WITH PUBLIC
ANNEXES***

**MOTION TO FILE A PUBLIC REDACTED VERSION OF THE ‘APPLICATION
FOR EARLY RELEASE FOR MR. JOVICA STANIŠIĆ’**

Counsel for Jovica Stanišić:

Mr. Wayne Jordash KC

Mr. G.J.A Knoops, esq

1. On 24 March 2026 Jovica Stanišić confidentially filed an Application for Early Release before the International Residual Mechanism for Criminal Tribunals (MICT).¹ On 15 April 2026 the MICT President ordered Mr. Stanišić to file a public redacted version of the Application, excluding annexes II-VIII, considering that “any information relating to Stanišić’s personal circumstances set out in the Application may be safeguarded through appropriate redactions”; that “the address, including the city, where Stanišić intends to reside, if released early, should be redacted”; and that “the name of any Mechanism staff members should be redacted”.²
2. Mr. Stanišić herewith files a public redacted version of his Application for Early Release, as Annex A to the present motion. The redactions have been enacted:
 - (i) Pursuant to the President’s order to redact information regarding Mr. Stanišić’s personal circumstances, including any addresses, and the names of MICT staff members;
 - (ii) To protect Mr. Stanišić’s right to privacy, towards ensuring his successful rehabilitation and reintegration should he be granted early release; and
 - (iii) In accordance with the letter and spirit of various orders for closed information, including as stipulated by national governments and confidential exhibits and motions from the ICTY and MICT trial process.
3. Annexes I and IX as previously submitted with the confidential Application are also included herein as public annexes.

Word Count: 254

Respectfully submitted,



Wayne Jordash KC

On behalf of Jovica Stanišić

Date: 28 April 2026

¹ *Prosecutor v. Jovica Stanišić*, Application for Early Release for Jovica Stanišić, MICT-15-96-ES.2, 24 March 2026.

² *Prosecutor v. Jovica Stanišić*, Order for a Public Redacted Version of Jovica Stanišić’s Application for Early Release, MICT-15-96-ES.2, 15 April 2026.

INTERNATIONAL RESIDUAL MECHANISM FOR CRIMINAL TRIBUNALS**CASE NO. MICT-15-96-ES.2****PROSECUTOR**

v.

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PUBLIC ANNEX A*Public Redacted 'Application for Early Release for Jovica Stanišić'*

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APPLICATION FOR EARLY RELEASE FOR MR. JOVICA STANIŠIĆ

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A. INTRODUCTION

1. The proceedings against Jovica Stanišić commenced with his voluntary surrender and initial appearance before the ICTY in June 2003.¹ Following 20 years of two trials, the Appeals Chamber(AC) found Stanišić guilty of participation in a joint criminal enterprise(JCE) (first category), for crimes charged under Counts 1 to 5 of the Indictment, imposing a sentence of 15 years.² As of 10 March 2026, Stanišić has spent around a cumulative 3650 days (10 years) in custody, amounting to two-thirds of the sentence.³ The two-thirds threshold has been recognised as a precondition for early release,⁴ though each case will be considered within the totality of its own circumstances and merits.⁵ Herewith, Stanišić applies for early release.

B. SUBMISSION

II. GRAVITY OF CRIMES

2. The gravity/severity of criminal conduct, namely the form and degree of participation, is a ‘factor of fundamental importance’ for early release,⁶ including that the person did not physically perpetrate the crimes and displayed no zeal for

¹ *Prosecutor V. Stanišić*, Initial Appearance, IT-03-69-I, 13-June-2003; *Prosecutor V. Stanišić*, Decision on Provisional Release, IT-03-69-PT, 28-July-2004(‘July2004Decision’), para.20.

² *Prosecutor V. Stanišić and Simatović*, Judgement, MICT-15-96-A, 31-May-2023(‘Stanišić MICT Appeal Judgement’), Disposition.

³ Annex II.

⁴ MICT, 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, paras 5, 7-8, 10, 14, 16, 19; MICT, Rules of Procedure and Evidence, MICT/1/Rev.8, 26-February-2024, Rule 150; *Prosecutor V. Bralo*, Decision on the Early Release of Miroslav Bralo, MICT-14-78-ES, 31-December-

2019(‘Bralo Decision’), para.21; *Prosecutor V. Krstić*, Decision on the Early Release of Radislav Krstić, MICT-13-46-ES.1, 10-September-

2019(‘Krstić Decision’), paras 18, 19, 25, 28; *Prosecutor V. Semanza*, Decision on Laurent Semanza’s Application for Early Release, MICT-13-36-ES.2, 17-September-

2020(‘Semanza Decision’), para.25; *Prosecutor V. Bisengimana*, Decision of the President on Early Release of Paul Bisengimana and on Motion to File a Public Redacted Application, MICT-12-07, 11-December-2012(‘Bisengimana Decision’), paras 19-21; *Prosecutor V. Ćorić*,

Further Redacted Public Redacted Version of the Decision of the President on the Early Release of Valentin Ćorić and Related Motions, MICT-17-112-ES.4, 16-January-2019(‘Ćorić Decision’), paras 38–

39, 42; *Prosecutor V. Simba*, Public Redacted Version of the President’s 7 January 2019 Decision on the Early Release of Aloys Simba, MICT-14-62-ES.1, 7-January-2019(‘Simba Decision’), para.34.

⁵ Ćorić Decision, para.38; *Prosecutor V. Brđanin*, Decision on the Application of Radoslav Brđanin or Early Release, MICT-13-48-ES, 28-February-2020(‘Brđanin Decision’), para.46.

⁶ *Prosecutor V. Dordević*, Decision on the Applications for Early Release of Vlastimir Dordević, MICT-14-76-ES, 30-November-2021(‘Dordević Decision’), para.36; *Stanišić MICT Appeal Judgement*, para.659.

their commission.⁷

3. In the present case concerning Stanišić, the crimes committed as part of the JCE's common criminal purpose(CCP)⁸ were undoubtedly serious. However, Stanišić's crimes fall towards the lower end of severity, in relation to persons convicted for JCE liability before the ICTY/MICT.
4. First, in relation to the takeover of Bosanski Šamac, various Unit members committed crimes against non-Serbs, including the massacre of 16 Muslim or Croat men at the Crkvina detention facility around 7 May 1992.⁹ These crimes occurred within the wider context of the non-Serb population of Bosanski Šamac being subjected to murder and other violence, having their property looted, and their heritage buildings destroyed. Detainees in detention centres endured dire and inhumane conditions. The forcible displacement suffered by the non-Serb population had a long-lasting effect on their livelihood and caused severe suffering.¹⁰ Stanišić accepts this serious impact and suffering of the victims. Similarly, the impact of the crimes committed by the Serbian Volunteer Guard(SDG), namely murder and persecution in connection with the killing of 11 non-Serbs in Trnova and 64 non-Serbs in Sasina, Sanski Most, in September 1995¹¹ is not to be understated. The victims' suffering was again severe, demanding justice and accountability. The wider crimes contributed to by *other* members of the JCE (but not Stanišić) were similarly grave.¹²
5. Nonetheless, it is relevant that the AC found Stanišić's contribution to the JCE was 'not as great' as other members.¹³ His responsibility for crimes in every location but two (Bosanski Šamac and Sanski Most in 1995) flowed from JCE membership, not any direct (or even, indirect) involvement. Indeed, in the former locations, Stanišić was found to have *not* acted in furtherance of crime or the

⁷ *Stanišić* MICT Appeal Judgement, para. 661; *Simba* Decision, para. 38.

⁸ *Stanišić* MICT Appeal Judgement, para. 540.

⁹ *Stanišić* MICT Appeal Judgement, para. 574.

¹⁰ *Prosecutor V. Stanišić and Simatović*, Judgment, IT-03-69-T, 30-May-2013 ('*Stanišić* MICT Trial Judgement'), paras 619, 620.

¹¹ *Stanišić* MICT Appeal Judgement, para. 548.

¹² *Stanišić* MICT Appeal Judgement, paras 550, 552, 554, 557-559, 562, 564.

¹³ *Stanišić* MICT Appeal Judgement, para. 661.

CCP.¹⁴

6. The AC's findings regarding Stanišić's significant contribution to the CCP was based on two operations: the takeover of Bosanski Šamac in 1992 (on account of organizing the training of Unit members and local Serb forces at Pajzoš camp and through their subsequent deployment during the takeover) and the murders committed by the SDG in Sanski Most in 1995 [on account of State Security Service(SDB/DB) payments to certain SDG members].¹⁵ Whilst found to be significant, the AC identified no other personal contribution to the JCE between spring 1992 and September 1995, let alone any instance in which Stanišić controlled or directed the actions of the direct perpetrators or the crimes, or planned or executed the crimes.¹⁶ The remaining conduct constituting the design and implementation of the JCE was attributable to other JCE members.¹⁷ Consequently, the AC recognised that there was a marked disparity between the lesser contributions attributed to Stanišić and all other JCE members.¹⁸
7. In sum, during a 20+ year trial process, Stanišić was acquitted of most of the factual allegations alleged. Accordingly, the gravity of Stanišić's crimes is reflected in a sentence that is only three years more than his original aiding and abetting conviction¹⁹ and is lower than most individuals convicted at the ICTY/MICT for JCE membership.
8. It is particularly instructive that the other convicted JCE members²⁰ received longer sentences for significantly greater participation. Notwithstanding, Krajišnik and Plavšić²¹ were granted early release on the completion of two-thirds of their

¹⁴ *Stanišić* MICT Appeal Judgement, paras 379, 567, 661, 538, 551, 553, 555-556, 560-561, 563, 566.

¹⁵ *Stanišić* MICT Appeal Judgement, paras 547-549, 567, 660.

¹⁶ *Stanišić* MICT Appeal Judgement, para. 661.

¹⁷ *Stanišić* MICT Appeal Judgement, para. 567.

¹⁸ *Stanišić* MICT Appeal Judgement, para. 661.

¹⁹ *Stanišić* MICT Appeal Judgement, paras 662, 663.

²⁰ The TC identified these as being Slobodan Milošević, Radmilo Bogdanović, Radovan Stojičić (Badža), Mihalj Kertes Milan Martić, Milan Babić, Goran Hadžić, Radovan Karadžić, Ratko Mladić, Momčilo Krajišnik, Biljana Plavšić, Željko Ražnatović (Arkan) - *Stanišić* MICT Appeal Judgement, paras 123, 378, 540.

²¹ Regarding the other members of the JCE who were convicted by the ICTY/MICT, are currently serving sentences and have not been granted early release, any comparison to the situation of Stanišić is of marginal relevance, at best. As evidenced by the 35-year sentence imposed on Milan Martić, his extensive and direct contributions to the JCE were substantial (and not merely significant) and cannot be usefully compared to the limited conduct attributable to Stanišić. Both Radovan Karadžić and Ratko Mladić were given life sentences, early release for such sentences being generally only considered after serving 30 years

sentence. For example, Krajišnik was granted early release from his 20-year sentence, despite the very high gravity of this crimes.²² The Trial Chamber(TC) found that Krajišnik held a central position in the JCE as he “not only participated in the implementation of the common objective **but was one of the driving forces behind it.**”²³

9. Stanišić’s 15-year sentence for substantially more limited conduct [including not playing a leading role in the design and/or implementation of the JCE, not joining the CCP until March 1992 (when the JCE came into existence in April 1991²⁴) and a lack of *any* contribution to the CCP between April/May 1992 and September 1995] places Stanišić’s sentence at the very highest end of the sentencing range. **Notwithstanding, Krajišnik’s sentence was only 5 years longer. Putting this incongruence aside, none of these factors prevented Krajišnik from being released.**
10. Annex IX lists other relevant cases of early release, granted (at the two-thirds stage) notwithstanding significantly greater contributions to the CCP, higher gravity *writ large*, and longer sentences. Moreover, several persons convicted of genocide and incitement to genocide- including, Omar Serushago, Obed Ruzindana, Gérard Ntakirutimana, Alphonse Nteziryayo, Ferdinand Nahimana, and Emmanuel Rukundo- were granted early release, despite the extreme gravity of their crimes.
11. Stanišić recognizes that each case must be considered on its own merits.²⁵ Comparisons of gravity (and other factors) can only be part of the consideration for early release.²⁶ However, whilst Stanišić acknowledges the seriousness of his

(*Prosecutor V. Galić*, Decision on the Early Release of Stanislav Galić, MICT-14-83-ES, 24-March-2021, paras 22-24). The indeterminate nature of Karadžić and Mladić’s sentences does not bear useful comparison to the fixed/determinate sentence imposed on Stanišić. The remaining JCE members listed by the TC were either never tried or were deceased prior to the completion of the trial or prior to being considered for early release.

²² *Prosecutor V. Krajišnik*, Decision of the President on Early Release of Momčilo Krajišnik, IT-00-39-ES, 2-July-2013, paras 3, 16, 17, 33-35.

²³ *Prosecutor V. Krajišnik*, Judgment, IT-00-39-A, 17-March-2009, paras 216, 217-219 [emphasis added].

²⁴ *Prosecutor V. Stanišić and Simatović*, Prosecution Notice of Filing of Third Amended Indictment, IT-03-69-PT, 10-July-2008, para. 11.

²⁵ *Prosecutor V. Kunarac*, Decision on Dragoljub Kunarac’s Application for Early Release, MICT-15-88-ES.1, 31-December-

2020 (‘*Kunarac* Decision’), para. 40; *Semanza* Decision, para. 43; *Prosecutor V. Krstić*, Decision on the Application for Early Release of Radislav Krstić, MICT-13-46-ES.1, 15-November-2022 (‘*Krstić* 2022 Decision’), paras 43–44.

²⁶ *Simba* Decision, para. 32; *Čorić* Decision, para. 40.

crimes and the terrible impact upon the victims, it is right to note that the gravity of those crimes and contributions for which Stanišić has been convicted stands at the lowest end when compared to most others granted early release. Considering these factors and the requirement of parity and equality, Stanišić respectfully requests extra due consideration should be given to early release.²⁷

III. TREATMENT OF SIMILAR-SITUATED PERSONS

12. President [REDACTED] interpreted the two-thirds threshold as giving rise to a **presumption in favour of early release** in line with the practice initiated by past Presidents and endorsed by many Judges as members of the Bureau or Sentencing Chamber when consulted prior to granting early release.²⁸ Stanišić accepts the gravity of his crimes and the impact on victims. Notwithstanding, for the aforementioned reasons and those below, *if* there is a presumption in favour of early release, Stanišić should benefit from a stronger than usual presumption.
13. Stanišić relies upon the following factors in favour of early release, premised upon his:(i) cooperation with prosecution authorities;(ii) compliance with ICTY/MICT orders;(iii) lack of any adverse impact on the former Yugoslavian community, including victims;(iv) *frequent* efforts towards the furtherance of peace;(v) demonstration of rehabilitation and re-integration prospects;(vi) humanitarian considerations on account of his chronic health conditions.

IV. COOPERATION WITH THE PROSECUTION AND RELATED FACTORS

14. The Prosecution's views are relevant,²⁹ being primarily a neutral factor.³⁰

(i) Cooperation with Prosecutorial Actions and the ICTY/MICT OTP

15. Before and throughout a twenty-year trial process, Stanišić has cooperated fully with prosecutorial authorities and the ICTY/MICT. In 1996, Stanišić arrested

²⁷ *Simba* Decision, para. 32; *Čorić* Decision, para. 40.

²⁸ *Čorić* Decision, para. 38.

²⁹ *Bralo* Decision, paras 69; *Brdanin* Decision, para. 83; *Semanza* Decision, para. 75; *Krstić 2022* Decision, para. 72; *Kunarac* Decision, para. 76; *Prosecutor v.*

Miletić, Decision on the Application for Early Release of Radivoje Miletić, MICT-15-85-ES.5, 18-January-2024 ('*Miletić* Decision'), para. 69.

³⁰ *Simba* Decision, para. 49; *Čorić* Decision, para. 55; *Brdanin* Decision, para. 82; *Semanza* Decision, para. 74.

Dražen Erdemović for war crimes.³¹ This was the first arrest by any Serbian agency of any Serb for war crimes in the former Yugoslavia. Stanišić acted at a time when cooperation with the ICTY was regarded in Serbia as treasonous. Importantly, Erdemović's arrest and transfer to the ICTY facilitated further substantial cooperation with the OTP, providing valuable evidence regarding events at Srebrenica and testifying as a Prosecution witness, including in the Karadžić and Mladić cases.³² Another example is the investigation, arrest and indictment of the Vučković brothers, leaders of the Yellow Wasps paramilitary that terrorized (non-Serb) civilians in Bosnia in 1992-1993.³³

16. Stanišić's own arrest and detention was analogous to a voluntary surrender.³⁴ The ICTY-TC highlighted this voluntary cooperation with the OTP, especially at a time when "the law on cooperation with the International Tribunal had not yet been passed in Serbia and Montenegro",³⁵ offering cooperation at the personal risk [REDACTED] and even before being indicted by the ICTY. [REDACTED].³⁶ He was entitled as a suspect to maintain his right to silence, instead, he elected to assist the OTP.

(ii) Compliance with Release Conditions and Impact of Release on the Community

17. Stanišić always complied with the conditions imposed on his provisional release,³⁷ which included stringent measures³⁸ restricting his liberty and privacy. At no time during Stanišić's release following his acquittal by the ICTY nor his provisional release during the re-trial (a non-continuous period from 22 December 2015 to 24 June 2021³⁹) did his presence in Belgrade garner negative public reaction from any

³¹ *Prosecutor V. Stanišić and Simatović*, Stanišić Final Trial Brief, MICT-15-96-T, 13-March-2021 ('Stanišić2021FTB'), para. 155; 1D00157; 1D00287; [REDACTED]; *Prosecutor V. Erdemović*, Sentencing Judgment, T-96-22-Tbis, 5-March-1998 ('ErdemovićJudgement'), paras 2, 23.

³² *ErdemovićJudgement*, paras 3, 16 (sub-heading 'iv').

³³ *Stanišić2021FTB*, paras 155 (footnote-328), 1319-1323.

³⁴ *Prosecutor V. Stanišić*, Motion for Provisional Release (Confidential), IT-03-69-PT, 14-January-2004 ('January2004Motion'), paras 8-10, 28; July2004Decision, paras 19-20; *Prosecutor V. Stanišić and Simatović*, Decision on Provisional Release, IT-03-69-PT, 26-May-2008 ('May2008Decision'), para. 48.

³⁵ July2004Decision, para. 18; May2008Decision, para. 48.

³⁶ [REDACTED].

³⁷ *Stanišić* MICT Trial Judgment, para. 627.

³⁸ E.g., *Prosecutor V. Stanišić and Simatović*, Decision on Stanišić's Motion for Provisional Release, MICT-15-96-T, 19-July-2017 ('July2017Decision'), para. 24.

³⁹ *Prosecutor V. Stanišić and Simatović*, Decision on Stanišić's Urgent Motion for Provisional Release, MICT-

affected community.⁴⁰

18. Consistent with his approach to the ICTY/MICT and OTP, and despite a high-profile acquittal (in his first trial), Stanišić has refrained from making any public statements, especially while on provisional release.⁴¹ Stanišić has consistently refused to engage with the media or politics (including, not allowing his name to be used for political purposes connected to the break-up of the former Yugoslavia or otherwise) and he has no intention or desire to do so upon any release, further reducing any risk of negative community impact. Stanišić would abide by any condition to avoid any media or public/political pronouncements connected to his crimes or any aspect of the conflict and/or engage at the direction of the MICT in furtherance of peace and reconciliation.
19. As Stanišić's statement in Annex I shows, he has always fully accepted that Serbs committed crimes against innocent victims, and he has no intention of denying this truth now or in the future. Indeed, he accepts that the crimes by Serbs were committed, and they were a tragedy for Croatian and Bosnian victims, as well as Serbia.

(iii) Efforts to Cooperate and Further Peace and Reconciliation During the Period of the JCE and Beyond

20. In general, despite the crimes, defence evidence and the overall findings of the TC showed that Stanišić steered SDB policy from 1992 *generally* towards providing support to peace efforts and negotiations.⁴² Stanišić negotiated and personally

15-96-PT,22-December-

2015('December2015Decision');*Prosecutor V. Stanišić and Simatović*, Decision on Stanišić's Thirteenth Motion for Further Extension of Provisional Release, MICT-15-96-T, 1-March-2021('March2021Decision');*Prosecutor V. Stanišić and Simatović*, Decision on Jovica Stanišić's Urgent Motion Concerning Provisional Release, MICT-15-96-AR68.2, 25-June-2021.

⁴⁰E.g., July2004Decision, para.35; May2008Decision, para.54; *Prosecutor V. Stanišić and Simatović*, Decision on Urgent Stanišić Defence Motion for Provisional Release, IT-03-69-T, 31-March-2010, para.26; *Prosecutor V. Stanišić and Simatović*, Decision on Stanišić Defence Request for Provisional Release after Closing Arguments until Entry of Trial Judgement, IT-03-69-T, 5-February-2013, paras6, 12; December2015Decision, paras9, 10(footnote34); *Prosecutor V. Stanišić and Simatović*, Decision on Stanišić's Motion for Extension of Provisional Release, MICT-15-96-PT, 19-May-2017('May2017Decision'), para.20; July2017Decision, paras15, 16; *Prosecutor V. Stanišić and Simatović*, Decision on Stanišić's Tenth Defence Motion for Further Extension of Provisional Release, MICT-15-96-T, 28-October-2019, p.2; March2021Decision.

⁴¹ E.g., July2017Decision, para.24(vi)(f).

⁴² *Prosecutor V. Stanišić and Simatović*, Stanišić Defence Appeal Brief, MICT-15-96-A, 22-November-2021('Stanišić2021AB'), para.246; *Stanišić2021FTB*, para.167; [REDACTED]; RJS-11, 17-October-2019, pp.48-49.

facilitated the safe release of over 300 UN servicemen, who were held hostage by the Republika Srpska(RS) forces in 1995, which created conditions for the resumption of peace talks with the Contact Group plan; obtained and shared intelligence with French authorities concerning detained French pilots, thereby facilitating their rescue; negotiated the rescue of journalist David Rohde from Bijeljina; played a critical role in persuading Babić and the RSK Serbs to accept the Vance plan and procured, through Karadžić, the Bosnian Serbs' acceptance of the plan; was a member of the Serbian delegation to the Dayton talks; and risked his life to obtain Karadžić's signature to the statement prepared by Holbrooke to resign as President of the SDS Party.⁴³ Following the signing of the 1995 Dayton Agreement, Stanišić was committed to ensuring its successful implementation.⁴⁴ The Court is in possession of information, including from high-ranking officials of the US, UK, Canada, etc., which confirm Stanišić's actions.⁴⁵ Stanišić's role was recognized by the UN soldiers themselves: "We would like to thank you very much sir for all your efforts."⁴⁶ Statements from French and Russian officials in Annexes IV⁴⁷ and V respectively further attest to Stanišić's pursuit of peace and opposition to extremism.

21. The TC recognised the validity of this evidence,⁴⁸ though its categorisation of Stanišić's actions in furtherance of peace as only *occasional* assistance was based on the information admitted as evidence. However, as discussed below, critical evidence was excluded (for technical reasons) that is probative of his frequent cooperation and which is relevant for the current application.

⁴³ *Stanišić*2021FTB, paras 173-175, 1626; *Stanišić*2021AB, para.246; [REDACTED]. On Stanišić's role in the hostage release: 1D00448; 1D01354, p.2; 1D01355, pp.1-2; [REDACTED]; 1D00461; 1D00484, p.3; 1D01360; 1D00444; 1D00445; 1D00433, pp.4,5,7,8,12,13,26; P03155; 1D01359, p.1; 1D00435, pp.1-3; 1D00450, p.1; RJS-16, 1D00429, pp.5-7; RJS-16, 15-October-2019, p.15; RJS-11, 16-October-2019, p.23; [REDACTED]; [REDACTED]; [REDACTED]; 1D00547, p.4; [REDACTED]; *Prosecutor V. Stanišić and Šimatović*, Final_Trial_Brief, IT-03-69-T, 14-December-2012 ('*Stanišić*2012FTB'), Annex II, Mitigating Factor 3, n.71-89, 95, 97, 98.

⁴⁴ *Stanišić*2021FTB, para.176; *Stanišić*2021AB, para.248(vi).

⁴⁵ *Stanišić*2012FTB, para.1279, Annex II, Mitigating Factor 3, n.71-107.

⁴⁶ Annex VII (Minute 6.03 of videofile).

⁴⁷ "M. Jovica Stanišić a joué un rôle déterminant dans le sauvetage des soldats de l'ONU détenus en otage par les troupes serbes en 1995"; son rôle "a été capital dans la localisation et la libération de deux officiers de l'armée française." "Stanišić a eu une attitude courageuse et humaine."

⁴⁸ *Stanišić* MICT Trial Judgement, paras 349, 627.

22. [REDACTED].⁴⁹ [REDACTED]. [REDACTED].⁵⁰ [REDACTED].⁵¹
23. None of this cooperation excuses or diminishes Stanišić’s crimes. As stated in Annex I, he accepts and regrets them. [REDACTED].

V. REHABILITATION

24. In applying for early release, the applicant must show ‘sufficient progress’ towards rehabilitation, as evidenced by non-exhaustive indicators such as acceptance of responsibility, critical reflection upon crimes, behaviour in prison, reintegration/post-release plans.⁵² Stanišić’s statement at Annex I details his **acknowledgement of his crimes**.

(i) Prison Conduct

25. Stanišić has demonstrated exemplary conduct throughout the entirety of his trial and detention. This can be verified with [REDACTED] of the UNDU and by the Waldheim Prison. Indeed, the Waldheim prison **positively recommends early release**.⁵³

(ii) Reintegration and Post-Release Plans

26. Stanišić maintains a strong and enduring relationship with his wife and son and has preserved close and supportive ties with his immediate relatives, ensuring his ability to return to a productive life. [REDACTED]. During his provisional release, his previous and lengthy residence [REDACTED] was without any incident. The Serbian Government has confirmed their willingness and capacity to assist with Stanišić’s reintegration and monitoring of any conditions.⁵⁴
27. Stanišić will be financially self-sufficient upon release. He is entitled to a pension arising from his prior employment, which is adequate to support his living expenses

⁴⁹ [REDACTED].

⁵⁰ [REDACTED].

⁵¹ [REDACTED].

⁵² *Miletić* Decision, paras 48-51, 56; *Bralo* Decision, paras 37-40; *Brdanin* Decision, paras 48-50, 65-68; *Semanza* Decision, paras 45-47, 50-53; *Kunarac* Decision, paras 42-

44; *Dordević* Decision, para. 70; *Prosecutor V. Lukić*, Decision on the Application for Early Release of Sreten Lukić, MICT-14-67-ES.4, 7-October-2021, paras 52, 53, 64, 65-69, 71; *Bisengimana* Decision, para. 25.

⁵³ Annex II, Letter from Waldheim Prison, pp. 2-3.

⁵⁴ Annex III.

during his retirement. Given his current health condition, Stanišić's release aims are predominantly personal. Notwithstanding, he remains willing and able to cooperate with international institutions and intelligence/security services *to contribute his expertise in support of any peace and security efforts proposed by the MICT and/or the international community*. Stanišić is prepared to comply with conditions attached to his release, including but not limited to reporting requirements, restrictions on movement, supervisory measures, and abstention from contact with the media.

VI. HUMANITARIAN GROUNDS

28. In addition, humanitarian reasons/grounds exist to support early release. It is probative that the lengthy proceedings against Stanišić subjected him to living a large portion (a quarter) of his life under constant anxiety, stress, stigma, interference and threat of a life sentence, exacerbating his ill health.⁵⁵ [REDACTED].⁵⁶ The exceptional nature of Stanišić's case was already recognized by the MICT-TC in 2017.⁵⁷
29. [REDACTED]⁵⁸ [REDACTED].⁵⁹ [REDACTED].⁶⁰ [REDACTED].⁶¹
30. Stanišić respectfully asks that consideration be given to these conditions. Stanišić does not ask for sympathy, only some understanding and a little mercy. He is 76 years old and infirm. Early release would allow him a small, but invaluable, last period of life at home with his wife and son and amongst his community. Conversely, rejection of this application would most likely condemn him to a lonely passing in a distant prison.

C. RELIEF SOUGHT

31. Herewith, Stanišić applies for early release.

Word Count: 3000

⁵⁵ *Stanišić*2021AB, paras230,232.

⁵⁶ [REDACTED].

⁵⁷ May2017Decision, para.17; July2017Decision, para.19.

⁵⁸ [REDACTED].

⁵⁹ [REDACTED].

⁶⁰ [REDACTED].

⁶¹ [REDACTED].

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'WJ.' with a stylized flourish.

Wayne Jordash KC

On behalf of Jovica Stanišić

Date: 24 March 2026

INTERNATIONAL RESIDUAL MECHANISM FOR CRIMINAL TRIBUNALS

CASE NO. MICT-15-96-ES.2

PROSECUTOR

v.

JOVICA STANIŠIĆ

PUBLIC ANNEX I

Statement of Mr. Jovica Stanišić

Statement of Mr. Jovica Stanišić acknowledging his crimes:

“For more than 30 years, I have refused to give interviews to any media or to engage in any way in public political debates regarding the causes and consequences of the conflicts and the crimes committed during them in the 1990s in the former Yugoslavia. It is clear to everyone from this region how tragic that conflict was for all who participated in it, especially for those against whom atrocities and crimes were committed.

That refusal of mine was a continuation of what I did the entire time, striving to shelter and preserve the SDB from zealous political figures and parties in Serbia. My only ally in this was the Supreme Court of Serbia, to whom I entrusted the making of decisions concerning respect for human rights, the law, and the Constitution. In this regard, it is important to state that, even before the events of the war, I never prioritized the interests of my nation and religion over other nations and religions in this region.

Therefore, although crimes were committed on all sides of the conflict, the ones that weighed heaviest on me were those committed by members of the Serbian people, particularly by those who, in committing a crime, justified it as retaliation for crimes committed against my people in the past. I deeply regret these and apologise for my crimes, especially following the verdict delivered by the MICT after 20 years of legal proceedings, regarding my participation in a joint criminal enterprise.

In addition to the verdict, which I respect and accept, I believe that there is still a considerable number of those - and not only among my people - who respect my contribution to a peaceful and civilized resolution of the conflict in the former Yugoslavia.”

INTERNATIONAL RESIDUAL MECHANISM FOR CRIMINAL TRIBUNALS

CASE NO. MICT-15-96-ES.2

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PUBLIC ANNEX IX

Factual Circumstances of Compared Cases

This Annex lists comparable cases of Joint Criminal Enterprise liability (the facts and contributions for which persons have been convicted).

- a. **Aloys Simba** was found guilty by the ICTR of “committing genocide and extermination as a crime against humanity pursuant to Article 6(1) of the Statute of the ICTR, based on his participation in a JCE to kill Tutsi civilians at Murambi Technical School and Kaduha Parish” and sentenced to 25 years imprisonment.¹ The Trial Chamber found “with respect to the massacre at Kaduha Parish that Simba, “invoking the approval of the government, urged the attackers to ‘get rid of the filth’ at the parish” and distributed guns and grenades to them, after which they proceeded “to kill the Tutsi at the parish”.² During the massacre at the Murambi Technical School Simba distributed the means to implement the killings.³ In reference to both these killings, it was noted that “Tutsi refugees were slaughtered by the thousands over the course of a period of around twelve hours on a single day.”⁴
- b. **Mlado Radić** was convicted by the ICTY as a co-perpetrator participating in a JCE (JCE II) for crimes committed at Omarska Camp in the Prijedor regions of Bosnia and Herzegovina between May and August 1992 and sentenced to 20 years imprisonment. As a guard shift leader Radić “played a substantial role in the functioning of the camp” and “guards on his shift were notoriously brutal and he played a role in orchestrating the abuses, as well as personally committing crimes of sexual violence against female detainees. Guards on his shift “perpetrated a wide range of abuses and mistreatment against the detainees, including murder and torture, and that Radić, as their shift leader never exercised his authority to stop the guards from committing such crimes. Indeed, his failure to intervene gave the guards a strong message of approving of their behaviour.”⁵
- c. **Nikola Šainović** was found guilty at the ICTY of participating in a JCE - whose common purpose was the forcible displacement of Kosovo Albanians both within and outside Kosovo – to be achieved through a widespread and systematic campaign of terror and violence; Šainović was found responsible for the murder of hundreds, several sexual assaults and the forcible transfer and deportation of hundreds of thousands of people.⁶ He was sentenced to 18 years imprisonment on appeal.⁷ Šainović was found to have possessed

¹ *Prosecutor v Simba*, Public Redacted Version of the President’s 7 January 2019 Decision on the Early Release of Aloys Simba, MICT-14-62-ES.1, 7 January 2019, para. 3.

² *Prosecutor v Simba*, Public Redacted Version of the President’s 7 January 2019 Decision on the Early Release of Aloys Simba, MICT-14-62-ES.1, 7 January 2019, para. 36.

³ *Prosecutor v Simba*, Public Redacted Version of the President’s 7 January 2019 Decision on the Early Release of Aloys Simba, MICT-14-62-ES.1, 7 January 2019, para. 36.

⁴ *Prosecutor v Simba*, Public Redacted Version of the President’s 7 January 2019 Decision on the Early Release of Aloys Simba, MICT-14-62-ES.1, 7 January 2019, para. 36.

⁵ *Prosecutor v Radić*, Public Redacted Version of 13 February 2012 Decision of the President on Early Release of Mlado Radić, IT-98-30/1-ES, 9 January 2013, paras 3, 14-15 [It is noted that procedurally this application was considered before the ICTY].

⁶ *Prosecutor v Šainović*, Public Redacted Version of the 10 July 2015 Decision of the President on the Early Release of Nikola Šainović, MICT-14-67-ES.1, 27 August 2015, paras 3, 4, 14-16. See also, *Prosecutor v. Šainović et al*, Judgement, IT-05-87-A, 23 January 2014, para. 664 on the common criminal purpose.

⁷ *Prosecutor v. Šainović*, Public Redacted Version of the 10 July 2015 Decision of the President on the Early Release of Nikola Šainović, MICT-14-67-ES.1, 27 August 2015, para. 4.

extensive *de facto* powers over the VJ and MUP forces in Kosovo and was the crucial link to the then-FRY President Slobodan Milošević. He was the political coordinator of the former forces, being able to make proposals, give suggestions, and issue instructions to them, including by leading and participating in MUP and Joint Command meetings and his position as Chairman of the Commission for Cooperation with the Kosovo Verification Mission.⁸

- d. **Momir Nikolić** pled guilty and was convicted by the ICTY of persecution on political, racial and religious grounds as a crime against humanity for his role in crimes committed against Bosnian Muslims after the fall of Srebrenica, for which he was convicted (on appeal) to a sentence of 20 years.⁹ He participated in a JCE whose goal was the murder of thousands of men and the forcible displacement of tens of thousands of Muslims, so that this part of eastern Bosnia could be “cleansed” of non-Serbs.¹⁰ The common purpose of the JCE was to capture, detain, summarily execute by firing squad, bury and rebury thousands of Bosnian Muslim men and boys aged 16 to 60 from the Srebrenica enclave from 12 July 1995 until and about 19 July 1995, which resulted in the summary execution of approximately seven thousand Bosnian Muslim men and boys from the Srebrenica enclave.¹¹ The Trial Chamber characterised his participation as not only active, but as “very active – even pro-active.”¹² Nikolić was found to have taken this role in furthering the commission of the crime; specifically “he was in Potočari on 12 July “coordinating” activities including the transportation of women and children to Kladanj and the separation and detention of able-bodied Muslim men; “directed” the work of the forces present in Potočari on 13 July; identified specific locations in and around Bratunac both for the detention and execution of Muslim men; and, in the fall of 1995, coordinated the exhumation and re-burial of Muslim bodies.”¹³
- e. **Berislav Pušić** was found guilty by the ICTY of participating in a JCE - whose common criminal purpose was domination by the HR H-B [Croatian Republic of Herceg-Bosna] Croats through ethnic cleansing of the Muslim population - between April 1993 and April 1994 and sentenced to 10 years imprisonment. During his trial it was found that Pušić “significantly contributed to the implementation of the JCE and played a key role in the commission of crimes by virtue of his functions and powers within the Military Police and the Exchange Commission” of the Croatian Defence Council (HVO) within the HZ(R) H-B (Community and Republic of HercegBosna, referred to jointly) and that he “participated in and facilitated the system of detention of the Muslims by approving their transfer from

⁸ *Prosecutor v. Šainović et al*, Judgement, IT-05-87-A, 23 January 2014, paras 833-989 (contributions), 990-1052 (intent).

⁹ *Prosecutor v. Nikolić*, Public Redacted Version of the 14 March 2014 Decision on Early Release of Momir Nikolić, MICT-14-65-ES, 12 October 2015, para. 3.

¹⁰ *Prosecutor v. Nikolić*, Sentencing Judgement, IT-02-60/1-S, 2 December 2003, para. 174.

¹¹ *Prosecutor v. Nikolić*, Judgement on Sentencing Appeal, IT-02-60/1-A, 8 March 2006, para. 23.

¹² *Prosecutor v. Nikolić*, Judgement on Sentencing Appeal, IT-02-60/1-A, 8 March 2006, para. 24.

¹³ *Prosecutor v. Nikolić*, Public Redacted Version of the 14 March 2014 Decision on Early Release of Momir Nikolić, MICT-14-65-ES, 12 October 2015, para. 14; *Prosecutor v. Nikolić*, Sentencing Judgement, IT-02-60/1-S, 2 December 2003, para. 123.

one centre to another and their use for forced labour, by tolerating the deplorable conditions of confinement and mistreatment, and by accepting the death of detainees sent to work on the front line. It [was] further found that Pušić organized and facilitated the system by which HVO detainees were released or exchanged in order to be sent to Republic of Bosnia and Herzegovina ("ABiH") territories or third countries.” It was held that Pušić abused his authority as the head of the Exchange Service and President of the Commission for Prisons and Detention Centers of the HVO to facilitate the crimes, by using the resources at his disposal for their implementation.¹⁴

- f. **Valentin Ćorić** was found guilty by the ICTY of persecution on political, racial and religious grounds, murder, wilful killing, rape, inhuman treatment through sexual assault, deportation, unlawful transfer and deportation of civilians, forcible transfer, imprisonment, inhumane acts and treatment, unlawful labour, extensive destruction of property not justified by military necessity and carried out unlawfully and wantonly, destruction or wilful damage done to institutions dedicated to religion or education, appropriation of property not justified by military necessity and carried out unlawfully and wantonly, plunder of public and private property, unlawful attack on civilians, and unlawful infliction of terror on civilians, for which he was sentenced to 16 years imprisonment.¹⁵ He was found to have participated in a JCE from mid-January 1993 when it had come into existence, “with a common criminal purpose which was the domination by the Croats of the Croatian Republic of Herceg-Bosna ("HR H-B") through ethnic cleansing of the Muslim population. The Trial Chamber further found that the JCE was set up in order to create a Croatian entity in BiH reconstituting in part the borders of the Croatian Banovina, facilitating the reunification of the Croatian people.”¹⁶ In enumerating Ćorić’s conduct, the Trial Chamber found that “from January 1993 to 10 November 1993, as Chief of the Military Police Administration, Ćorić engaged Military Police units in the eviction operations conducted in the municipalities of Gornji Vakuf, Stolac, Čapljina and Mostar. The Trial Chamber also found that Ćorić failed to investigate the crimes committed by members of the Kažnjenička Bojna or "Convicts Battalion" and played a key role in the functioning of the Croatian Defence Council's network of detention centres. He also executed a part of the common plan by blocking the Muslim population of East Mostar and blocking humanitarian aid. Accordingly, the Trial Chamber was satisfied that Ćorić had "played a key role in the implementation of all of the crimes", and that his intent was discriminatory and aimed at persecuting the Muslim population. The Trial Chamber also concluded that Ćorić abused his authority in order to facilitate the crimes by using the resources at his disposal for the

¹⁴ *Prosecutor v. Pušić*, Public Redacted Version of the 20 April 2018 Decision of the President on the Early Release of Berislav Pušić, MICT-17-12-ES.1, 24 April 2018, paras 2, 3, 29-31.

¹⁵ *Prosecutor v. Ćorić*, Further Redacted Public Redacted Version of the Decision of the President on the Early Release of Valentin Ćorić and Related Motions, MICT-17-112-ES.4, 16 January 2019, paras 3, 4.

¹⁶ *Prosecutor v. Prlić et al*, Judgement Volume I, IT-04-74-A, 29 November 2017, para. 3.

implementation of all crimes, which were factors considered as aggravating circumstances in determination of Ćorić's sentence."¹⁷

- g. **Sreten Lukić** was found guilty by the ICTY of 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, as part of a joint criminal enterprise to forcibly displace Kosovo Albanians.¹⁸ His crimes were found to be particularly grave as he "did not merely contribute significantly to this JCE, but he was "an important member" of it, serving as "the bridge between the policy-planners in Belgrade [...] and those on the ground in Kosovo" and being "directly involved in the planning process and in ensuring that day-to-day operations were conducted [...] in accordance with those plans". Lukić exercised both de jure and de facto responsibility over Serbian Ministry of Internal Affairs ("MUP") forces that committed crimes on a massive scale, and he was involved in the coordination of Yugoslav Army ("VJ") and MUP activities as well. Lukić was found responsible for the crimes committed by MUP and VJ personnel in accordance with the common plan, and he also bore criminal responsibility when it was foreseeable to him that another JCE member or a person used by a JCE member might commit a crime in furtherance of the common purpose and he willingly took this risk."¹⁹ His crimes were thought as being of a high level of gravity, as he was "[g]uilty of committing or aiding and abetting the forcible displacement of hundreds of thousands of Kosovo Albanians. These crimes were not isolated instances, but rather part of a widespread and systematic campaign of terror and violence over a period of just over two months. Some of the victims were of a particularly vulnerable nature, such as young women, elderly people, and children."²⁰
- h. **Milivoj Petković** was sentenced by the ICTY to 20 years imprisonment for numerous counts of grave breaches of the Geneva Conventions, violations of the laws or customs of war, and crimes against humanity.²¹ As with Ćorić, Petković was found to be a member of a JCE whose common criminal purpose was the domination by the Croats of the Croatian Republic of Herceg-Bosna ("HR H-B") through ethnic cleansing of the Muslim population, towards creating a Croatian entity in BiH.²² Petković was deemed one of the key members of the JCE "[f]rom 14 April 1992 to 26 April 1994, as the Chief of the Main Staff and subsequently the deputy commander, and ultimately the deputy Chief of the Croatian Defence Council ("HVO") Main Staff, he ordered, planned, facilitated, encouraged, and concealed the crimes committed by members of the HZ(R) H-B armed forces over which

¹⁷ *Prosecutor v. Ćorić*, Further Redacted Public Redacted Version of the Decision of the President on the Early Release of Valentin Ćorić and Related Motions, MICT-17-112-ES.4, 16 January 2019, para. 44.

¹⁸ *Prosecutor v Lukić*, Decision on the Application for Early Release of Sreten Lukić, MICT-14-67-ES.4, 7 October 2021, paras 3, 41.

¹⁹ *Prosecutor v Lukić*, Decision on the Application for Early Release of Sreten Lukić, MICT-14-67-ES.4, 7 October 2021, para. 41.

²⁰ *Prosecutor v Lukić*, Decision on the Application for Early Release of Sreten Lukić, MICT-14-67-ES.4, 7 October 2021, para. 42.

²¹ *Prosecutor v Petković*, Decision on the Early Release of Milivoj Petković, MICT-17-112-ES.5, 16 December 2021, paras 3, 4.

²² *Prosecutor v Prlić et al*, Judgement Volume I, IT-04-74-A, 29 November 2017, para. 3.

he had effective control.”²³ It was found that “Petković, *inter alia*: (i) took part in planning the military operations in the Municipality of Gornji Vakuf in January 1993, in the Municipality of Jablanica in April 1993, in the Municipality of Prozor in July and August 1993 and in the Municipality of Vareš in October 1993; (ii) planned the arrest of men who did not belong to any armed force in the municipalities of Mostar, Stolac, and Čapljina; (iii) participated in the crimes committed during the siege of East Mostar; and (iv) ordered and authorised the forced labour of detainees from the Heliostrom and the Vitina-Otok Camp. The Trial Chamber concluded that Petković had the intent to evict the Muslim population from the HZ(R) H-B and did not make serious efforts to end the commission of crimes “even though he continued to exercise control over the HVO armed forces until April 1994.”²⁴ Moreover, he “played a key role in the commission of crimes by virtue of his functions and powers as the Chief, subsequently the deputy commander, and ultimately the deputy Chief of the HVO Main Staff. As such, he abused his authority in order to facilitate the crimes by using the resources at his disposal for the implementation of all the crimes.”²⁵

- i. **Bruno Stojić** was convicted on numerous counts of grave breaches of the Geneva Conventions, violations of the laws or customs of war, and crimes against humanity, for which he was sentenced to 20 years imprisonment.²⁶ Alongside Ćorić and Petković, Stojić was found to be a member of a JCE whose common criminal purpose was the domination by the Croats of the Croatian Republic of Herceg-Bosna (“HR H-B”) through ethnic cleansing of the Muslim population and creation of a Croatian entity in BiH.²⁷ Stojić was considered one of the most important members of the JCE, as the Head of the Department of Defence and a member of the Croatian Defence Council (“HVO”) due to making “a “significant” contribution to the JCE, by controlling the HVO armed forces and the Military Police, and serving as the link between them and the civilian Government of the HR H-B. His contribution included the use of the HVO armed forces and the Military Police to commit crimes that formed part of the CCP. It was also established that he intended to expel the Muslim population from the territory of Herceg-Bosna, to carry out the crimes forming part of the CCP, and to discriminate against Muslims to facilitate their eviction from the territory of Herceg-Bosna. Further, by virtue of his knowledge of the facts and his involvement in achieving the CCP, Stojić could reasonably have anticipated the sexual abuse during the eviction operations in West Mostar and the thefts during the military operations in Gornji Vakuf in January 1993 and in the municipality of Mostar from May

²³ *Prosecutor v Petković*, Decision on the Early Release of Milivoj Petković, MICT-17-112-ES.5, 16 December 2021, para. 33.

²⁴ *Prosecutor v Petković*, Decision on the Early Release of Milivoj Petković, MICT-17-112-ES.5, 16 December 2021, para. 34.

²⁵ *Prosecutor v Petković*, Decision on the Early Release of Milivoj Petković, MICT-17-112-ES.5, 16 December 2021, para. 35.

²⁶ *Prosecutor v Stojić*, Decision on the Application for Early Release of Bruno Stojić, MICT-17-112-ES.3, 3 November 2025, paras 3, 4, 37.

²⁷ *Prosecutor v Prlić et al*, Judgement Volume I, IT-04-74-A, 29 November 2017, para. 3.

1993 onwards. Nevertheless, he accepted that these crimes might be committed and willingly took that risk.”²⁸

²⁸ *Prosecutor v Bruno Stojić*, Decision on the Application for Early Release of Bruno Stojić, MICT-17-112-ES.3, 17 January 2024, para. 36.



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