

**UNITED  
NATIONS**



International Residual Mechanism  
for Criminal Tribunals

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

Date: 4 May 2026

Original: English

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**BEFORE THE PRESIDENT**

**Before: Judge Graciela Gatti Santana**

**Registrar: Mr. Abubacarr M. Tambadou**

**THE PROSECUTOR**

**v.**

**JOVICA STANIŠIĆ**

**PUBLIC**

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**PROSECUTION MOTION FOR ACCESS TO STANIŠIĆ'S  
CONFIDENTIAL APPLICATION FOR EARLY RELEASE**

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**The Office of the Prosecutor:**

Mr. Mathias Marcussen

**Counsel for Mr. Jovica Stanišić:**

Mr. Wayne Jordash KC

Mr. G.J.A. Knoops, esq

1. The Prosecution hereby requests access to Stanišić’s Confidential Application<sup>1</sup> for early release to enable the Prosecution to respond, including to information currently redacted from its public version.<sup>2</sup>
2. Following a State notification<sup>3</sup> and subsequent memorandum from the President, the Prosecution provided comments and information on Stanišić’s potential early release in a memorandum to the President. It has since come to the Prosecution’s attention that Stanišić has filed an application for early release. It has, however, been filed confidentially and the public redacted version excludes key arguments and supporting evidence.
3. Under the Mechanism’s legal framework, early release is a judicial function exercised by the President. The Prosecution, as the representative of the international community<sup>4</sup> on whose behalf the Tribunals and Mechanism investigated, prosecuted, and tried cases, should be allowed the opportunity to respond to arguments made by those convicted by the Tribunals and Mechanism, which might result in a convicted person being freed before having served the prison term to which he or she was sentenced. This is also necessary to ensure that evidence and arguments can be fully tested before the President makes her determination.
4. The Prosecution needs access to the full application to respond to redacted arguments about Stanišić’s alleged cooperation with the Prosecution.<sup>5</sup> Stanišić has also redacted information on excluded evidence allegedly showing his actions in furtherance of peace,<sup>6</sup> of which, as a party to the proceedings, the Prosecution has intimate knowledge. Information on his re-integration and post release plans, and on the existence of humanitarian grounds warranting early release,<sup>7</sup> is also redacted. In this regard, the Prosecution notes that throughout proceedings against Stanišić and his co-accused, the Prosecution was privy to information, and a party to litigation, regarding his whereabouts while on provisional release and his well-documented medical conditions.<sup>8</sup> The Prosecution therefore has access to this information and

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<sup>1</sup> *Prosecutor v. Jovica Stanišić*, Case No. MICT-15-96-ES.2, Application for Early Release for Mr. Jovica Stanišić, 24 March 2026 (confidential with confidential annexes) (“Confidential Application”).

<sup>2</sup> *Prosecutor v. Jovica Stanišić*, Case No. MICT-15-96-ES.2, Motion to File a Public Redacted Version of the ‘Application for Early Release for Mr. Jovica Stanišić’, 28 April 2026 (public with public annexes), Public Annex A, Public Redacted ‘Application for Early Release for Mr. Jovica Stanišić’ (“Public Redacted Application”).

<sup>3</sup> See *Prosecutor v. Jovica Stanišić*, Case No. MICT-15-96-ES.2, Verbal Note No. 04/2026, 26 January 2026.

<sup>4</sup> See *Prosecutor v. Zlatko Aleksovski*, Case No. IT-95-14/1-AR73, Decision on Prosecutor’s Appeal on Admissibility of Evidence, 16 February 1999, para.25.

<sup>5</sup> See Public Redacted Application, paras.15-16 and accompanying footnotes.

<sup>6</sup> See Public Redacted Application, paras.20, 22-23 and accompanying footnotes.

<sup>7</sup> See Public Redacted Application, paras.25-26, 28-29 and accompanying footnotes.

<sup>8</sup> See e.g. *Prosecutor v. Jovica Stanišić and Franko Simatović*, Case No. MICT-15-96-T, Decision on Stanišić’s Thirteenth Motion for Further Extension of Provisional Release, 1 March 2021; *Prosecutor v. Jovica Stanišić and*

is well placed to comment on arguments made by Stanišić related to his health and whether his medical conditions warrant early release.

5. For the above reasons, the Prosecution should be granted access to Stanišić's Confidential Application.

Word Count: 631



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Mathias Marcussen  
Senior Legal Officer, Officer in Charge

Dated this 4<sup>th</sup> day of May 2026  
At The Hague, The Netherlands

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*Franko Simatović*, Case No. MICT-15-96-PT, Decision on Modalities for Trial, 13 April 2017; Decision on the Prosecution's Request for an Independent Medical Examination of Jovica Stanišić, 24 June 2016; *Prosecutor v. Jovica Stanišić and Franko Simatović*, Case No. IT-03-69-T, Decision on Urgent Stanišić Defence Motion for Provisional Release, 31 March 2010; *Prosecutor v. Jovica Stanišić and Franko Simatović*, Case No. IT-03-69-PT, Decision on Start of Trial and Modalities for Trial, 29 May 2009; Decision on "Urgent Defence Motion for Prolongation of Provisional Release due to Medical Unfitness of Accused to be Detained", 8 February 2008; Decision on Stanišić Defence's Motion on the Fitness of the Accused to Stand Trial with Confidential Annexes, 27 April 2006 (public with confidential annex); Decision on Provisional Release, 28 July 2004.



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