

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

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

Date: 2 June 2026

Original: English

THE PRESIDENT OF THE MECHANISM

Before: Judge Graciela Gatti Santana, President

Registrar: Mr. Abubacarr M. Tambaou

Decision of: 2 June 2026

PROSECUTOR

v.

JOVICA STANIŠIĆ

PUBLIC

**DECISION ON PROSECUTION MOTION FOR
ACCESS TO STANIŠIĆ CONFIDENTIAL
APPLICATION FOR EARLY RELEASE**

The Office of the Prosecutor:

Mr. Serge Brammertz
Mr. Mathias Marcussen

Counsel for Mr. Jovica Stanišić:

Mr. Wayne Jordash
Mr. Geert-Jan Alexander Knoops
Ms. Mirjana Vukajlović

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

RECALLING that Mr. Jovica Stanišić (“Stanišić”) is serving a 15-year sentence of imprisonment in the Federal Republic of Germany (“Germany”), following his conviction by the Mechanism;¹

NOTING that, in January 2026, Germany notified the Mechanism that Stanišić will have served two-thirds of his sentence in March 2026;²

NOTING that, on 27 January 2026, I requested, in accordance with paragraph 10(e) of the Practice Direction,³ a report from the Office of the Prosecutor of the Mechanism (“Prosecution”) on any cooperation of Stanišić with the Office of the Prosecutor of the ICTY (“Prosecution of the ICTY”) or the Prosecution and the significance thereof, as well as any other comments or information relevant to the Notification;⁴

NOTING that, on 23 February 2026, the Prosecutor conveyed to me a memorandum providing his comments and information relevant to the Notification;⁵

NOTING that Stanišić confidentially filed a direct petition for early release on 24 March 2026, and a public redacted version thereof on 28 April 2026;⁶

BEING SEISED of a motion from the Prosecution requesting access to the Confidential Petition to enable it to respond comprehensively (“Motion”);⁷

RECALLING that the President may collect any information he or she considers relevant to the determination of an early release application;⁸

¹ See Order Designating the State in Which Jovica Stanišić is to Serve the Remainder of his Sentence, 9 October 2024, p. 2; *Prosecutor v. Jovica Stanišić and Franko Simatović*, Case No. MICT-15-96-A, Judgement, 31 May 2023 (public redacted), para. 664.

² *Note verbale* from the Embassy of Germany in The Hague to the Mechanism, 26 January 2026, p. 1 (“Notification”). See also *Note verbale* from the Embassy of Germany in The Hague to the Mechanism, 16 January 2026 (confidential), p. 1.

³ 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”).

⁴ Internal Memorandum from the President to the Prosecutor of the Mechanism (“Prosecutor”), dated 27 January 2026 (confidential), para. 2.

⁵ Internal Memorandum from the Prosecutor to the President, dated 23 February 2026 (confidential) (“Prosecution Memorandum”).

⁶ Application for Early Release for Mr. Jovica Stanišić, 24 March 2026 (confidential) (“Confidential Petition”). See also Corrigendum to Jovica Stanišić’s Application for Early Release, 5 May 2026; Jovica Stanišić’s Application for Early Release, 28 April 2026 (public redacted) (together, “Public Petition”).

⁷ Prosecution Motion for Access to Stanišić Confidential Application for Early Release, 4 May 2026, paras. 1-2, 4-5.

⁸ Practice Direction, para. 10 (a)-(g).

RECALLING that any Prosecution submissions on early release applications are at the request of the President;⁹

CONSIDERING that the Prosecution Memorandum sets out detailed submissions on Stanišić's cooperation with the Prosecution of the ICTY and/or the Prosecution, as well as other comments and information relevant to his early release;

CONSIDERING that the Confidential Petition was filed after the Prosecutor had provided the Prosecution Memorandum;

CONSIDERING that the Prosecution is not a party to proceedings that have reached the sentence enforcement stage;

FINDING it appropriate to nevertheless allow the Prosecution an opportunity to supplement the Prosecution Memorandum in light of the Public Petition;

FOR THE FOREGOING REASONS,

HEREBY DENY the Motion; and

INVITE the Prosecution to supplement the Prosecution Memorandum with any further comments or information no later than 9 June 2026.

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

Done this 2nd day of June 2026,
At The Hague,
The Netherlands.



Judge Graciela Gatti Santana
President

[Seal of the Mechanism]

⁹ Practice Direction, para. 10 (e).



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Case Name/ Affaire :	Prosecutor v. Jovica Stanišić		Case Number/ Affaire n° : MICT-15-96-ES.2			
Date Created/ Daté du :	2 June 2026	Date transmitted/ Transmis le :	2 June 2026	Number of Pages/ Nombre de pages :	3	
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Classification Level/ Catégories de classification :	<input checked="" type="checkbox"/> Public/ Document public	<input type="checkbox"/> Confidential/ Confidentiel	<input type="checkbox"/> Ex Parte Defence excluded/ Défense exclue	<input type="checkbox"/> Ex Parte Prosecution excluded/ Bureau du Procureur exclu	<input type="checkbox"/> Ex Parte Rule 86 applicant excluded/ Article 86 requérant exclu	<input type="checkbox"/> Ex Parte Amicus Curiae excluded/ Amicus curiae exclu
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