

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

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

Date: 25 September 2026

Original: English

THE PRESIDENT OF THE MECHANISM

Before: Judge Graciela Gatti Santana, President

Registrar: Mr. Abubacarr M. Tambaou

Decision of: 25 September 2026

PROSECUTOR

v.

JOVICA STANIŠIĆ

PUBLIC REDACTED VERSION

**DECISION ON THE APPLICATION
FOR EARLY RELEASE OF JOVICA STANIŠIĆ**

Counsel for Mr. Jovica Stanišić:

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

1. I, Graciela Gatti Santana, President of the International Residual Mechanism for Criminal Tribunals (“President” and “Mechanism”, respectively), am seized of a notification from the Federal Republic of Germany (“Germany”), dated 16 January 2026, informing the Mechanism that Mr. Jovica Stanišić (“Stanišić”) will become eligible to be considered for early release under German law as of 10 March 2026 (“Notification”),¹ as well as a direct petition for early release filed by Stanišić on 24 March 2026 (“Direct Petition”).²

I. BACKGROUND

2. On 11 June 2003, Stanišić was transferred to the United Nations Detention Unit (“UNDU”) in The Hague, Netherlands.³ His case was first prosecuted before the International Criminal Tribunal for the former Yugoslavia (“ICTY”) and then, after an order for a re-trial, before the Mechanism.⁴

3. On 30 June 2021, the Trial Chamber of the Mechanism (“Trial Chamber”) convicted Stanišić for having aided and abetted murder as a violation of the laws or customs of war and murder, deportation, inhumane acts (forcible transfer), and persecution as crimes against humanity, in Bosanski Šamac.⁵ The Trial Chamber sentenced Stanišić to 12 years of imprisonment.⁶

4. On 31 May 2023, the Appeals Chamber of the Mechanism (“Appeals Chamber”): (i) set aside Stanišić’s conviction for having aided and abetted the crimes of murder as a violation of the laws or customs of war and murder, deportation, inhumane acts (forcible transfer), and persecution as crimes against humanity; (ii) convicted him for having committed these crimes in Bijeljina, Zvornik,

¹ *Note verbale* from the Embassy of Germany to the Kingdom of the Netherlands (“Netherlands”) to the Mechanism, 16 January 2026 (confidential), p. 1, *transmitting, inter alia*: (i) a letter from the Saxon Ministry of Justice to the Federal Office of Justice, dated 8 January 2026; and (ii) a letter from the prison to the Saxon Ministry of Justice, dated 5 January 2026 (“Prison Report”). A public version of the Notification was filed on 26 January 2026. *See Note verbale* from the German Embassy to the Netherlands to the Mechanism, 26 January 2026, p. 1.

² Application for Early Release for Mr. Jovica Stanišić, 24 March 2026 (confidential). *See also* Corrigendum to ‘Application for Early Release for Mr. Jovica Stanišić’, 5 May 2026 (confidential). Following an order, Stanišić filed a public redacted version of the Direct Petition. *See* Motion to File a Public Redacted Version of the ‘Application for Early Release for Mr. Jovica Stanišić’, 28 April 2026, Annex A; Order for a Public Redacted Version of Jovica Stanišić’s Application for Early Release, 15 April 2026. *See also* Corrigendum to ‘Application for Early Release for Mr. Jovica Stanišić’, 5 May 2026. Together, the Notification and the Direct Petition are to be understood as the “Application”. I note that the Direct Petition employs the technique of omitting spaces between words (or using underscores) in the footnotes in a seeming attempt to reduce the submission’s word count. I have accepted the Direct Petition exceptionally in the interests of justice, but warn Stanišić that future submissions of this kind may be rejected *in limine*.

³ *Prosecutor v. Jovica Stanišić and Franko Simatović*, Case No. MICT-15-96-T, Judgement, 6 August 2021 (“Trial Judgement”), para. 638.

⁴ *See* Trial Judgement, para. 6. *See also* *Prosecutor v. Jovica Stanišić and Franko Simatović*, Case No. IT-03-69-A, Judgement, 9 December 2015; *Prosecutor v. Jovica Stanišić and Franko Simatović*, Case No. IT-03-69-T, Judgement, 30 May 2013 (public with confidential appendix C).

⁵ Trial Judgement, p. 270.

⁶ Trial Judgement, p. 270.

Bosanski Šamac, Doboj, Sanski Most, Trnovo, and Daljska Planina; and (iii) increased his sentence to 15 years of imprisonment.⁷

5. On 9 July 2025, Stanišić was transferred to Germany to serve the remainder of his sentence.⁸

II. APPLICATION

6. On 16 January 2026, the German authorities submitted the Notification. Stanišić supplemented the Notification by filing the Direct Petition on 24 March 2026.⁹

7. On 27 January 2026, I wrote to the German authorities requesting that they provide: (i) information on where Stanišić would reside, if released early; (ii) any psychiatric or psychological evaluations prepared on his mental condition, including in relation to any risks posed by release, as well as any remarks Stanišić may have made regarding the crimes for which he was convicted and the victims of these crimes; and (iii) any medical reports on his physical condition, including whether Stanišić is capable of serving his sentence in Germany.¹⁰

8. That same day, I wrote to the Registrar of the Mechanism (“Registrar”) seeking information concerning the victims and witnesses of the crimes for which Stanišić was convicted and who testified in his case.¹¹ I further requested 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 or the Prosecution and the significance thereof, as well as any other comments or information that it considers relevant in relation to Stanišić’s potential early release.¹²

9. On 23 February 2026, the Prosecutor provided his comments and information.¹³

⁷ *Prosecutor v. Jovica Stanišić and Franko Simatović*, Case No. MICT-15-96-A, Judgement, 31 May 2023 (public redacted) (“Appeal Judgement”), para. 664.

⁸ See Email communication from the Registry of the Mechanism (“Registry”) to the President’s Office, dated 9 July 2025 (confidential); Decision on Jovica Stanišić’s Motion for a Delay in Transfer, 8 May 2025 (confidential), pp. 1-2. See also Order Designating the State in Which Jovica Stanišić is to Serve the Remainder of his Sentence, 9 October 2024, p. 2.

⁹ The Direct Petition contains nine annexes, including an undated personal statement of Stanišić about his crimes (see Direct Petition, Annex I (“Personal Statement”)) and submissions on the factual circumstances of other cases where early release was granted, which he considers comparable (see Direct Petition, Annex IX).

¹⁰ Letter from the President to the Ambassador of Germany to the Netherlands, dated 27 January 2026 (confidential) (“Letter of 27 January 2026”), p. 1.

¹¹ Internal Memorandum from the President to the Registrar, dated 27 January 2026 (confidential), para. 2.

¹² Internal Memorandum from the President to the Prosecutor of the Mechanism (“Prosecutor”), dated 27 January 2026 (confidential), para. 2.

¹³ Internal Memorandum from the Prosecutor to the President, dated 23 February 2026 (confidential) (“Prosecution Memorandum”).

10. On 9 April 2026, the Registrar provided me with a strictly confidential memorandum, conveying information concerning the victims and witnesses of the crimes for which Stanišić was convicted and who testified in his case.¹⁴

11. On 5 May 2026, I wrote to 14 associations representing victims of crimes for which Stanišić was convicted by the Mechanism to invite their views on his potential early release. I received responses from six associations (“Victims’ Associations”).¹⁵

12. On 7 May 2026, the German authorities provided additional information as requested in the Letter of 27 January 2026.¹⁶

13. On 9 June 2026, the Prosecution provided a supplementary memorandum with further comments and information.¹⁷

14. On 23 July 2026, material collected in the context of the Application, and translated into Bosnian/Croatian/Serbian, was communicated to Stanišić.¹⁸

15. On 10 August 2026, Stanišić submitted comments on these materials.¹⁹

16. In reaching my conclusion, I consulted Judge Joseph E. Chiondo Masanche, Judge Lee G. Muthoga, Judge Burton Hall, Judge Aminatta Lois Runeni N’gum, Judge Seon Ki Park, Judge Yusuf Aksar, and Judge Claudia Hoefer, in their capacity as Judges of the respective sentencing Chambers, in accordance with Rule 150 of the Rules of Procedure and Evidence of the Mechanism (“Rules”) and paragraph 16 of the Practice Direction.²⁰

¹⁴ Internal Memorandum from the Registrar to the President, dated 9 April 2026 (strictly confidential), *transmitting* Internal Memorandum from the Head of the Witness Support and Protection Unit (“WISP”) to the Registrar, dated 9 April 2026 (strictly confidential) (“WISP Memorandum”).

¹⁵ Letter from the Association of Parents and Families of Imprisoned and Forcibly Taken Croatian Homeland War Veterans, dated 18 May 2026; Letter from the Association of Families of Captured and Missing Persons of Zvornik Municipality, dated 18 May 2026; Letter from the Centre for Women Victims of War – ROSA, dated 15 May 2026 (“ROSA Letter”); Letter from the Municipal Association of Sanski Most Camp Inmates, dated 13 May 2026; Letter from the Union of Associations of Croatian Civilian Victims of the Croatian Homeland War, dated 12 May 2026; and Letter from the Association “Women Victims of War” Sarajevo, dated 12 May 2026 (“Women Victims of War Letter”).

¹⁶ *Note verbale* from the Embassy of Germany to the Netherlands to the Mechanism, dated 7 May 2026 (confidential), p. 1, *transmitting* a letter from the prison to the Saxon Ministry of Justice, dated 30 April 2026 (“Second Prison Report”).

¹⁷ Internal Memorandum from the Prosecutor to the President, dated 9 June 2026 (confidential) (“Second Prosecution Memorandum”). *See* Decision on Prosecution Motion for Access to Stanišić Confidential Application for Early Release, 2 June 2026, p. 2.

¹⁸ Letter from the President’s *Chef de Cabinet* and Principal Legal Advisor to Stanišić, dated 23 July 2026 (confidential).

¹⁹ *See* Confidential Response to Documents Provided by the Office of the President, 10 August 2026 (confidential) (“Comments”).

²⁰ 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”).

III. APPLICABLE LAW

17. According to Article 25(2) of the Statute of the Mechanism (“Statute”), the Mechanism supervises the enforcement of sentences pronounced by the International Criminal Tribunal for Rwanda (“ICTR”), the ICTY, or the Mechanism, including the implementation of sentence enforcement agreements entered into by the United Nations with Member States.

18. Pursuant to Article 26 of the 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 ICTR and the ICTY, does not specifically mention requests for early release of convicted persons, the Rules reflect the President’s power to adjudicate such requests, which is also consistent with the longstanding practice of the ICTR, the ICTY, and the Mechanism.

19. Rule 149 of the Rules provides that if, according to the law of the State of imprisonment, a convicted person is eligible for pardon, commutation of sentence, or early release, the State shall, in accordance with Article 26 of the Statute, notify the Mechanism of such eligibility.

20. Rule 150 of the Rules stipulates that the President shall, upon such notice or 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.

21. The general standards for granting early release are set out in Rule 151 of the Rules, which states 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.

22. Paragraph 10 of the Practice Direction indicates that the President may collect, directly or through the Registry, information which he or she considers relevant to the determination of whether pardon, commutation of sentence, or early release is appropriate. Paragraph 12 of the Practice Direction provides that, once all information requested has been received, the President shall communicate, directly or through the Registry, relevant information to the convicted person in a language that he or she understands. Paragraph 13 of the Practice Direction states that the convicted person shall then be given 14 days to examine the information, following which he or she may provide any written submissions in response.

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, 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. Paragraph 20 of the Practice Direction mentions that, if early release is granted, it may be subject to conditions.

24. According to Articles 2(b) and 2(c) of the sentence enforcement agreement between Germany and the Mechanism,²¹ the conditions of Stanišić’s imprisonment are governed by German law, subject to the supervision of the Mechanism, but the provisions of the German law regarding early release are not applicable. Articles 2(d) and 7 of the Enforcement Agreement provide, *inter alia*, that: (i) Germany shall inform the Mechanism of Stanišić’s eligibility for pardon or commutation of the sentence under German national law; and (ii) the President shall determine whether pardon or commutation of sentence is appropriate, and where the President determines that it is not, Germany shall either provide for Stanišić’s immediate transfer to the Mechanism or continue enforcement in Germany.

IV. ANALYSIS

A. Eligibility

25. Previous decisions have determined that all convicted persons serving a sentence under the Mechanism’s supervision are eligible to be considered for early release upon having served two-thirds of their sentence, irrespective of: (i) whether the person was convicted by the ICTR, the ICTY, or the Mechanism; (ii) where the sentence is being served; and (iii) whether the matter is brought before the President through a notification from the relevant enforcement State or a direct petition by the convicted person.²² Further, serving two-thirds of a sentence has been described by the Mechanism’s jurisprudence as being “in essence, an admissibility threshold”.²³

26. Stanišić served two-thirds of his sentence in March 2026 and is therefore eligible to be considered for early release.

²¹ Agreement Between the International Residual Mechanism for Criminal Tribunals and Germany, dated 4 March 2025 (“Enforcement Agreement”).

²² *Prosecutor v. Augustin Ngirabatware*, Case No. MICT-12-29-ES.1, Decision on the Application for Commutation of Sentence or Early Release of Augustin Ngirabatware, 11 August 2026 (“*Ngirabatware* Decision”), pp. 2-3; *Prosecutor v. Jean Kambanda*, Case No. MICT-13-32-ES.1, Decision on the Application for Early Release of Jean Kambanda, 23 July 2026 (“*Kambanda* Decision”), p. 2; *Prosecutor v. Radislav Krstić*, Case No. MICT-13-46-ES.1, Decision on the Early Release of Radislav Krstić, 10 September 2019 (public redacted), paras. 16, 18.

²³ *Ngirabatware* Decision, p. 3; *Kambanda* Decision, p. 3; *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) (“*Bisengimana* Decision”), para. 19.

B. General Standards for Granting Early Release

27. According to the Mechanism’s jurisprudence, a convicted person having served two-thirds of his or her sentence shall be merely eligible to be considered for early release and not entitled to such release.²⁴ Against this backdrop, it is therefore necessary for me, in determining whether early release is appropriate, to analyse and consider the convicted person’s current situation, taking into account the non-exhaustive list of factors set out in Rule 151 of the Rules.²⁵ In this regard, the mere passage of time cannot constitute sufficient grounds for early release.²⁶

1. Gravity of Crimes

28. Stanišić was found guilty of committing the crimes of: (i) murder as a violation of the laws or customs of war; and (ii) murder, deportation, inhumane acts (forcible transfer), and persecution as crimes against humanity.²⁷

29. With regard to the mode of liability for these crimes, Stanišić’s criminal responsibility increased considerably on appeal by virtue of his conviction for membership in a joint criminal enterprise and the additional crimes attributable to him during his membership.²⁸ In particular, the Appeals Chamber found that Stanišić was a member of a joint criminal enterprise with the aim of forcibly and permanently removing the majority of non-Serbs from large areas of Croatia and Bosnia and Herzegovina through the commission of crimes.²⁹ Stanišić, nonetheless, submits that his responsibility is limited, as it was not established that he was involved in the planning or execution of any of the crimes, nor that he directed or had authority over any of the physical perpetrators.³⁰ While the Appeals Chamber recognised this level of involvement, it also reiterated that “the gravity of the underlying crimes remains an important consideration in order to reflect the totality of the criminal conduct”.³¹ It stated that the Trial Chamber “appropriately noted the following factors as relevant to assessing gravity: (i) the cruelty, nature, and circumstances of the crimes; (ii) the convicted person’s position of authority; (iii) the vulnerability of the victims; and (iv) the consequences, effect,

²⁴ *Prosecutor v. Radislav Krstić*, Case No. MICT-13-46-ES.1, Decision on the Application for Early Release of Radislav Krstić, 6 July 2026 (public redacted) (“*Krstić* Decision of 6 July 2026”), para. 24; *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) (“*Martić* Decision”), para. 32; *Prosecutor v. Stanislav Galić*, Case No. MICT-14-83-ES, Decision on the Early Release of Stanislav Galić, 26 June 2019 (public redacted), para. 24.

²⁵ *Krstić* Decision of 6 July 2026, para. 24; *Martić* Decision, para. 32; *Prosecutor v. Radislav Krstić*, Case No. MICT-13-46-ES.1, Decision on the Application for Early Release of Radislav Krstić, 15 November 2022 (public redacted) (“*Krstić* Decision of 15 November 2022”), para. 32.

²⁶ *Krstić* Decision of 6 July 2026, para. 24; *Martić* Decision, para. 32; *Prosecutor v. Bruno Stojić*, Case No. MICT-17-112-ES.3, Decision on the Application for Early Release of Bruno Stojić, 17 January 2024 (public redacted), para. 100.

²⁷ *See supra* para. 4.

²⁸ Appeal Judgement, para. 660.

²⁹ Appeal Judgement, para. 657. *See* Trial Judgement, para. 607.

³⁰ Direct Petition, paras. 6, 9; Comments, paras. 7-8, 10-11.

³¹ Appeal Judgement, para. 339.

and impact of the crimes upon the broader targeted group”.³² Any remoteness to the perpetration of crimes is necessarily reflected in the imposed sentence and does not impact the gravity of the crimes.

30. In light of the above, I consider that Stanišić’s crimes are of high gravity. Accordingly, I am of the view that this factor weighs against his early release.

2. Treatment of Similarly-Situated Prisoners

31. When considering the treatment of similarly-situated prisoners, decisions on early release have emphasised that persons sentenced by the ICTR, the ICTY, or the Mechanism, like Stanišić, are considered “similarly-situated” to all other prisoners under the Mechanism’s supervision.³³ The eligibility threshold of having served two-thirds of the sentence applies to all convicted persons serving a sentence under the Mechanism’s supervision.³⁴

32. While Stanišić recognises that each case must be treated on its own merits, he nonetheless draws comparisons to other convicted persons and whether and when they were granted early release.³⁵

33. Each case and each convicted person presents unique circumstances that must be considered on their own merits when determining whether early release is to be granted.³⁶ Once a person has been found to be eligible to be considered for early release, any comparison to other cases in the context of an early release application is not dispositive and likely inconsequential to my assessment.³⁷

34. I have remained mindful of Stanišić’s comparisons in support of his position that he should be released early.

3. Demonstration of Rehabilitation

35. Before turning to an individualised assessment of Stanišić’s demonstration of rehabilitation, I note that the Mechanism’s jurisprudence expands upon certain elements pertaining to whether a

³² Appeal Judgement, para. 313.

³³ *Martić* Decision, para. 42; *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) (“*Musema* Decision”), para. 36; *Bisengimana* Decision, paras. 16-17.

³⁴ *See supra* para. 25.

³⁵ Direct Petition, paras. 8-11, Annex IX.

³⁶ *Musema* Decision, para. 39; *Prosecutor v. Mićo Stanišić*, Case No. MICT-13-53-ES.2, Decision on the Application for Early Release of Mićo Stanišić, 17 July 2025 (public redacted) (“*Stanišić* Decision”), para. 43; *Prosecutor v. Dragoljub Kunarac*, Case No. MICT-15-88-ES.1, Decision on Dragoljub Kunarac’s Application for Early Release, 31 December 2020 (public redacted) (“*Kunarac* Decision”), para. 40.

³⁷ *Musema* Decision, para. 39; *Stanišić* Decision, para. 43; *Kunarac* Decision, para. 40.

convicted person has demonstrated rehabilitation under Rule 151 of the Rules, and I find it appropriate to set this out here.

36. A number of positive indicators of rehabilitation of persons convicted by the ICTR, the ICTY, or the Mechanism have been recognised and include: (i) the acceptance of responsibility for the crimes a person was convicted for or for actions which enabled the commission of the crimes; (ii) signs of critical reflection of the convicted person upon his or her crimes; (iii) public or private expressions of genuine remorse or regret; (iv) actions taken to foster reconciliation or seek forgiveness; (v) evidence that a convicted person has a positive attitude towards persons of other backgrounds, bearing in mind the discriminatory motive of some of the crimes; (vi) participation in rehabilitation programmes in prison; (vii) a convicted person's mental health status; and (viii) a positive assessment of a convicted person's prospects to successfully reintegrate into society.³⁸ This is a non-exhaustive list and convicted persons are not expected to fulfil all of these indicators in order to demonstrate rehabilitation.³⁹

37. It falls upon the convicted person to demonstrate that sufficient progress has been made in his or her rehabilitation, and that granting release before the full sentence is served would be a responsible exercise of the President's discretion.⁴⁰ Given that crimes against humanity and war crimes are among the gravest crimes known to humankind, it is not appropriate to view the rehabilitation of perpetrators of such crimes as one would view the rehabilitation of perpetrators of so-called ordinary crimes adjudicated at the national level.⁴¹

38. Turning to the extent to which Stanišić has demonstrated rehabilitation, I note that the most probative materials before me are the Prison Report, the Second Prison Report, the Application, the Comments, and the Personal Statement.

(a) Behaviour in Prison

39. Good behaviour in prison is the very minimum to be expected of a convicted person while serving his or her sentence.⁴² In my opinion, such good behaviour cannot on its own demonstrate rehabilitation of a person convicted for some of the most heinous international crimes.⁴³

³⁸ *Martić* Decision, para. 46; *Prosecutor v. Bruno Stojić*, Case No. MICT-17-112-ES.3, Decision on the Application for Early Release of Bruno Stojić, 3 November 2025 (public redacted) ("*Stojić* Decision"), para. 27; *Prosecutor v. Miroslav Bralo*, Case No. MICT-14-78-ES, Decision on the Early Release of Miroslav Bralo, 31 December 2019 (public redacted) ("*Bralo* Decision"), para. 39 and references cited therein.

³⁹ *Martić* Decision, para. 46; *Stojić* Decision, para. 27; *Bralo* Decision, para. 39.

⁴⁰ *Martić* Decision, para. 47; *Stojić* Decision, para. 28; *Bralo* Decision, para. 39.

⁴¹ *Martić* Decision, para. 47; *Stojić* Decision, para. 28; *Bralo* Decision, para. 38.

⁴² *Martić* Decision, para. 49; *Stojić* Decision, para. 30; *Krstić* Decision of 15 November 2022, para. 49.

⁴³ *Martić* Decision, para. 47; *Stojić* Decision, para. 30; *Bralo* Decision, para. 38.

40. Stanišić submits that he has demonstrated exemplary conduct throughout the entirety of his trial and detention, which he asserts can be verified by the UNDU's Commanding Officer and German prison authorities.⁴⁴

41. According to the Prison Report, Stanišić's behaviour has been "irreproachable".⁴⁵ Despite being "visibly shaken" by the unfamiliar environment upon arrival, the German authorities indicate that Stanišić "adjusted well" and accepted the existing rules.⁴⁶ Stanišić is described as "friendly" and "courteous" towards staff, while maintaining contact with fellow prisoners and making an effort to learn everyday German.⁴⁷

42. I am satisfied that Stanišić's behaviour in prison has been good. However, as set out above, good behaviour in prison cannot on its own demonstrate rehabilitation of a person convicted for some of the most heinous international crimes.⁴⁸ It is therefore necessary to consider other elements, to which I now turn.

(b) Acceptance of Responsibility, Signs of Critical Reflection, and Expressions of Genuine Remorse or Regret

43. The Mechanism's jurisprudence has recognised that: (i) an important factor in assessing a convicted person's progress towards rehabilitation is the acceptance of responsibility for his or her crimes, even if this does not constitute a legal requirement to demonstrate rehabilitation and is not a precondition for early release; and (ii) a convicted person's partial acceptance of responsibility for his or her crimes will merit positive weight, however, any notable difference between the role a convicted person ascribes to himself or herself, and the role actually played, can suggest a lack of sufficient critical reflection upon his or her crimes.⁴⁹

44. Moreover, in my view, a statement made or referred to in support of an early release application should not be considered in isolation from its greater context.⁵⁰ The content of any such statement should be corroborated by positive actions taken by the convicted person, which indicate that he or she has critically reflected upon his or her crimes and is genuinely remorseful.⁵¹ Tangible

⁴⁴ Direct Petition, para. 25. See Prison Report, Registry Pagination ("RP") 88.

⁴⁵ Prison Report, RP 88.

⁴⁶ Prison Report, RP 88.

⁴⁷ Prison Report, RP 88.

⁴⁸ See *supra* para. 39.

⁴⁹ *Martić* Decision, para. 52; *Stojić* Decision, para. 35; *Prosecutor v. Vlastimir Đorđević*, Case No. MICT-14-76-ES, Decision on the Applications for Early Release of Vlastimir Đorđević, 30 November 2021 (public redacted), para. 70.

⁵⁰ *Martić* Decision, para. 53; *Stojić* Decision, para. 36; *Krstić* Decision of 15 November 2022, para. 61.

⁵¹ *Martić* Decision, para. 53; *Stojić* Decision, para. 36; *Krstić* Decision of 15 November 2022, para. 61.

evidence of rehabilitation is indeed a crucial aspect, which helps to differentiate genuine expressions of remorse or regret from more opportunistic ones.⁵²

45. Stanišić submits that his Personal Statement demonstrates that he accepts and regrets his crimes.⁵³ He states that he “deeply regret[s] [...] and apologise[s] for [his] crimes”, and that he “respect[s] and accept[s] the verdict”.⁵⁴ Similarly, the prison authorities state that he “appears to have accepted the verdict”,⁵⁵ and that he expresses being “deeply sorry [...] for the suffering caused to the people affected”.⁵⁶

46. The Prison Report also states that although Stanišić rarely speaks about his political past, including the circumstances that gave rise to his sentence, when articles about him are published in the Serbian media, he proudly shares this fact.⁵⁷ With respect to his current state of mind, the Second Prison Report provides that “the armed conflicts and the political decisions taken at the time no longer seem to feature in his current thinking” and that he “behaves in a thoroughly loyal, even friendly, manner towards members of ethnic groups that were once enemies”.⁵⁸

47. I consider that Stanišić’s conduct within the prison reflects efforts towards rehabilitation. Beyond good behaviour, Stanišić appears committed to integrating within the prison system across “ethnic” boundaries that characterised the battle lines drawn in the conflict in the former Yugoslavia. This merits positive consideration in the adjudication of the Application.

48. Turning to other evidence of rehabilitation, in the Personal Statement, Stanišić states:

[A]lthough 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 [Mechanism] after 20 years of legal proceedings, regarding my participation in a joint criminal enterprise.⁵⁹

49. While Stanišić’s public statement of apology is noted and welcome, its largely generic character raises concerns as to its reliability for demonstrating his rehabilitation. Stanišić’s brief statement does not meaningfully engage with the specific offences for which he was convicted, nor does it address his individual role in their commission. In particular, Stanišić describes the crimes that weigh heaviest on him as those “committed by members of the Serbian people, particularly by

⁵² *Martić* Decision, para. 53; *Stojić* Decision, para. 36; *Prosecutor v. Miroslav Bralo*, Case No. MICT-14-78-ES, Decision on the Application for Early Release of Miroslav Bralo, 28 December 2023 (public redacted), para. 62.

⁵³ Direct Petition, para. 23.

⁵⁴ Personal Statement, RP 272.

⁵⁵ Prison Report, RP 87.

⁵⁶ Second Prison Report, p. 2. *See also* Comments, para. 18.

⁵⁷ Prison Report, RP 87; Second Prison Report, p. 2.

⁵⁸ Second Prison Report, p. 2. *See also* Comments, para. 20.

⁵⁹ Personal Statement, RP 272.

those who, in committing a crime, justified it as retaliation for crimes committed against [his] people in the past”.⁶⁰ This portrayal is difficult to reconcile with the findings of the Trial and Appeals Chambers and raises the question why Stanišić is generalising rather than focusing on his own crimes.

50. Similarly, Stanišić minimises his involvement by claiming that he was only “striving to shelter and preserve the [Serbian State Security Service] from zealous political figures and parties in Serbia”, and that he “never prioritized the interests of [his] nation and religion over other nations and religions in this region”.⁶¹ Yet, it was proven beyond reasonable doubt that, as a participant in the joint criminal enterprise, he shared the intent to further the common purpose of forcibly and permanently removing the majority of non-Serbs from large areas of Croatia and Bosnia and Herzegovina through persecution, murder, deportation, and inhumane acts (forcible transfer).⁶²

51. In the Comments, Stanišić again fails to critically reflect on his own crimes. While he recognises “the acute and long-term harm to and impact of the crimes on the victims and their families”, as articulated by the Victims’ Associations,⁶³ he appears to continue litigating the differences between what he was indicted and convicted for.⁶⁴ I urge Stanišić to focus on his rehabilitation and his reflection on the judicial findings, and not on the description of his crimes by the Prosecution or the Victims’ Associations.

52. I find that Stanišić has taken measurable steps in his daily life to reintegrate and peacefully coexist with individuals of different backgrounds who would have been viewed as enemies in relation to the crimes for which he was convicted. Nevertheless, this evidence is anecdotal and, on its own, is insufficient to establish rehabilitation. Moreover, I am of the opinion that the generic nature of the Personal Statement and the clear discrepancy between his account and the Mechanism’s judicial findings demonstrate that he has not accepted full responsibility for his crimes.

(c) Prospects of Successful Reintegration into Society

53. Stanišić submits that he maintains stable personal, family, and financial circumstances conducive to reintegration.⁶⁵ He further expresses a commitment to maintaining a low profile upon return to the Republic of Serbia (“Serbia”).⁶⁶ He indicates that for more than 30 years, he has consistently refused to “give interviews to any media or to engage in any way in public political

⁶⁰ Personal Statement, RP 272.

⁶¹ Personal Statement, RP 272. *See also* Second Prison Report, p. 2.

⁶² Appeal Judgement, para. 535.

⁶³ Comments, para. 14.

⁶⁴ *See* Comments, para. 15.

⁶⁵ Direct Petition, paras. 26-27.

⁶⁶ Personal Statement, RP 272.

debates”,⁶⁷ explaining that the aims of his release are “predominantly personal”.⁶⁸ He further states that he is willing to comply with any conditions attached to early release.⁶⁹

54. The Prison Report and Second Prison Report support these claims, stating that Stanišić demonstrates a “strong attachment to his home country”, as well as to his family, and that “the family’s living arrangements and financial affairs are in good order”.⁷⁰ The prison authorities further report that there are no indications that Stanišić “exhibits criminogenic factors that would indicate a generally increased propensity to violence”, emphasising that his crimes arose within a “specific political context”.⁷¹

55. Based on this information, I note that Stanišić has maintained strong ties with his family and a connection with his country of nationality. Furthermore, his willingness to maintain a low profile and abide by any conditions imposed upon his early release merit positive weight in my consideration of his prospects of successful reintegration into society.

(d) Overall Assessment

56. Stanišić has shown good behaviour in prison and there are signs that he could successfully reintegrate into society. However, I have little other information capable of suggesting that he has reached a level of rehabilitation sufficient to merit early release. I would encourage him to take further steps towards rehabilitation, including by reflecting critically on his crimes and demonstrating it through tangible actions.

4. Substantial Cooperation with the Prosecutor

57. The Prosecution submits that no weight should be accorded to Stanišić’s alleged cooperation with it, because Stanišić did not substantially cooperate during the course of his trial or appeal, nor during the enforcement of his sentence.⁷² The Prosecution further contends that Stanišić’s participation in a voluntary suspect interview with the Office of the Prosecutor of the ICTY in 2001 should likewise attract no weight.⁷³

58. Stanišić, by contrast, submits that he cooperated fully with the prosecutorial authorities of both the ICTY and the Mechanism.⁷⁴ In particular, he relies on his “voluntary surrender” and his assistance in the arrest of Dražen Erdemović as evidence of substantial cooperation with the

⁶⁷ Personal Statement, RP 272.

⁶⁸ Direct Petition, para. 27.

⁶⁹ Direct Petition, para. 27.

⁷⁰ Prison Report, RP 87; Second Prison Report, pp. 1-2.

⁷¹ Prison Report, RP 87; Second Prison Report, p. 2.

⁷² Prosecution Memorandum, paras. 11-12. *See also* Second Prosecution Memorandum, para. 8.

⁷³ Prosecution Memorandum, paras. 11-12.

⁷⁴ Direct Petition, para. 15.

Prosecution.⁷⁵ I have also considered Stanišić’s submissions concerning his broader “efforts to cooperate and foster peace and reconciliation”.⁷⁶

59. Most matters invoked by Stanišić were assessed and taken into account during proceedings before the Mechanism.⁷⁷ While his past cooperation merits some positive consideration, questions as to the impact of his cooperation remain and I am not presently persuaded that it amounts to “substantial” cooperation. As a result, this factor does not weigh in favour of granting the Application.

C. Other Considerations

1. Comments and Information Provided by the Prosecution

60. Decisions on early release have established that the President may receive and consider general comments and information from the Prosecution with regard to early release applications.⁷⁸ In doing so, the President shall exercise caution to avoid any unreasonable imbalance to the detriment of the convicted person, and carefully assess on a case-by-case basis which submissions are of actual relevance in a given case, mindful of the rights of the convicted person.⁷⁹

61. The Prosecution submits that Stanišić’s early release is not warranted and refers to the high gravity of his crimes,⁸⁰ insufficient evidence of rehabilitation,⁸¹ and a lack of substantial cooperation with the Prosecution.⁸² The Prosecution further submits that I should consult affected parties, so they can raise specific concerns regarding Stanišić’s early release,⁸³ and that my consideration should take into account the security of victims and witnesses as well as the possible impact that Stanišić’s release may have on the community into which he would be released.⁸⁴

62. I have given due regard to the Prosecution’s comments and information in relation to the Application.

⁷⁵ Direct Petition, paras. 15-16; Comments, paras. 22-24.

⁷⁶ Direct Petition, RP 279. *See also* Comments, para. 25.

⁷⁷ *See* Trial Judgement, paras. 349, 627; Appeal Judgement, paras. 312, 322, 324, 328, 330-331.

⁷⁸ *Martić* Decision, para. 63; *Prosecutor v. Goran Jelisić*, Case No. MICT-14-63-ES, Decision on the Application for Early Release of Goran Jelisić, 13 August 2025 (public redacted) (“*Jelisić* Decision”), para. 69; *Bralo* Decision, para. 69.

⁷⁹ *Martić* Decision, para. 63; *Jelisić* Decision, para. 69; *Prosecutor v. Radoslav Brđanin*, Case No. MICT-13-48-ES, Decision on the Application of Radoslav Brđanin for Early Release, 28 February 2020 (public redacted), para. 83.

⁸⁰ Prosecution Memorandum, paras. 3-9, 22; Second Prosecution Memorandum, paras. 3-4.

⁸¹ Prosecution Memorandum, paras. 10, 22; Second Prosecution Memorandum, paras. 5-7.

⁸² Prosecution Memorandum, paras. 11-12, 22; Second Prosecution Memorandum, paras. 8-15.

⁸³ Prosecution Memorandum, paras. 13-16, 22.

⁸⁴ Prosecution Memorandum, paras. 13-16, 22.

2. Views of Serbia

63. The Serbian Minister of Justice conveyed Serbia's view that [REDACTED].⁸⁵ The Minister of Justice also indicated that [REDACTED].⁸⁶

64. I have taken note of Serbia's [REDACTED].

3. Impact on Victims and Witnesses

65. WISP observes that the early release of a convicted person may impact victims and witnesses in different ways.⁸⁷ Learning of a convicted person's release through the media, other channels, or an unexpected encounter in public could increase the perception of risk by victims and witnesses, affect their psycho-social wellbeing, or re-traumatise them.⁸⁸ Victims and/or witnesses may potentially come under threat of being physically harmed or intimidated by the convicted person or his supporters as retribution for their involvement in the proceedings and for contributing to the convictions.⁸⁹ WISP considers, in particular, that any travel to the areas in which Stanišić's crimes were committed could have a significant negative impact on victims and witnesses residing in those locations.⁹⁰

66. WISP submits that, while Stanišić has not actively sought publicity himself or published any material while serving his sentence, any decision to grant him early release would "likely generate significant publicity due to the positions of authority he held during the conflict in the former Yugoslavia".⁹¹ Such media attention could in turn negatively affect victims and witnesses.⁹² WISP further notes the increased media attention recently on Stanišić due to his alleged involvement in organising "human safaris" in Sarajevo in the 1990s.⁹³

67. Of the 144 surviving witnesses relevant to Stanišić's case, 28 reside in [REDACTED], where Stanišić intends to live if released early, five in Bosnia and Herzegovina, and four in the area of Daljska Planina in Croatia.⁹⁴ A number of witnesses were considered vulnerable due to, *inter alia*, age or health-related fragility and/or psychological trauma from their war experiences, and some witnesses have expressed security concerns in the past.⁹⁵

⁸⁵ Direct Petition, Annex III.

⁸⁶ Direct Petition, Annex III.

⁸⁷ WISP Memorandum, para. 17.

⁸⁸ WISP Memorandum, para. 17.

⁸⁹ WISP Memorandum, para. 17.

⁹⁰ WISP Memorandum, para. 18.

⁹¹ WISP Memorandum, para. 18.

⁹² WISP Memorandum, para. 6.

⁹³ WISP Memorandum, para. 18.

⁹⁴ WISP Memorandum, paras. 5-10.

⁹⁵ WISP Memorandum, paras. 11-16.

68. The Victims' Associations oppose Stanišić's release, some of them highlighting that it "would be an additional trauma"⁹⁶ and could "undermine the sense that justice and reconciliation have truly been achieved".⁹⁷

69. I have remained mindful of all this information in considering the Application.

4. Health of the Convicted Person

70. Previous decisions have taken into account the state of the convicted person's health in the context of an early release application.⁹⁸ In particular, I observe that a convicted person's health must be considered when the seriousness of his or her condition makes it inappropriate for the convicted person to remain in prison any longer.⁹⁹

71. Stanišić, who is presently 76 years old, maintains that humanitarian grounds exist to support early release. He requests that consideration be given to his medical situation, which includes a history of [REDACTED] and [REDACTED], as well as several severe chronic conditions and comorbidities necessitating recurrent medical intervention.¹⁰⁰ The Prison Report also mentions that Stanišić's health problems have taken a "significant toll" on him in recent years.¹⁰¹

72. In light of the information before me, I find no indication that Stanišić's health condition is of such seriousness as to make his continued imprisonment inappropriate, or as to warrant early release on humanitarian grounds. I have, nevertheless, taken the information on Stanišić's health into account in reaching my decision on the Application, as part of my overall assessment of the various factors.

5. Consultation

73. In coming to my decision on whether to grant the Application, I have consulted with seven other Judges of the Mechanism in line with Rule 150 of the Rules and paragraph 16 of the Practice Direction.¹⁰² All seven Judges agree that the Application should be denied, acknowledging Stanišić's eligibility to be considered for early release, but highlighting the gravity of his crimes and his failure to demonstrate sufficient signs of rehabilitation.

⁹⁶ Women Victims of War Letter, p. 4.

⁹⁷ ROSA Letter, p. 2.

⁹⁸ *Martić* Decision, para. 74; *Stojić* Decision, para. 56; *Bisengimana* Decision, para. 32.

⁹⁹ *Martić* Decision, para. 74; *Stojić* Decision, para. 56; *Prosecutor v. Ljubiša Beara*, Case No. MICT-15-85-ES.3, Public Redacted Version of 7 February 2017 Decision of the President on the Early Release of Ljubiša Beara, 16 June 2017, paras. 47-49.

¹⁰⁰ Direct Petition, paras. 28-30. *See also* Direct Petition, Annex VI.

¹⁰¹ Prison Report, RP 87.

¹⁰² *See supra* para. 16.

74. I am grateful for my Colleagues' views on these matters and have taken them into account in my ultimate assessment of the Application.

V. CONCLUSION

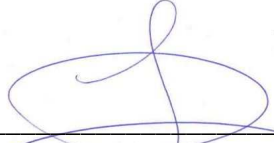
75. I am of the opinion that the Application should be denied. While Stanišić is eligible to be considered for early release, there are factors militating against his early release, including the gravity of his crimes and his failure to demonstrate sufficient signs of rehabilitation. Further, there is no evidence before me that establishes the existence of compelling humanitarian grounds which would warrant overriding this negative assessment.

VI. DISPOSITION

76. For the foregoing reasons, and pursuant to Article 26 of the Statute and Rules 150 and 151 of the Rules, I hereby **DENY** the Application.

77. The Registrar is **DIRECTED** to provide the authorities of Germany, as well as the Prosecution, with the public redacted version of this decision as soon as practicable.

Done this 25th day of September 2026,
At The Hague,
The Netherlands.



Judge Graciela Gatti Santana
President



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