

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-13-60-ES

Date: 21 July 2026

Original: English

THE PRESIDENT OF THE MECHANISM

Before: Judge Graciela Gatti Santana, President

Registrar: Mr. Abubacarr M. Tambadou

Decision of: 21 July 2026

PROSECUTOR

v.

MILOMIR STAKIĆ

PUBLIC

**DECISION ON NOTIFICATION
OF SENTENCE REMISSION**

Mr. Milomir Stakić

French Republic

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

NOTING that, on 23 March 2001, Mr. Milomir Stakić (“Stakić”) was arrested in Belgrade, Republic of Serbia, and transferred on the same day to the United Nations Detention Unit in The Hague, Kingdom of the Netherlands (“Netherlands”);¹

NOTING that, on 31 July 2003, Trial Chamber II of the International Criminal Tribunal for the former Yugoslavia (“Trial Chamber” and “ICTY”, respectively) found Stakić guilty of extermination as a crime against humanity, murder as a violation of the laws or customs of war, and persecution as a crime against humanity, incorporating murder and deportation as crimes against humanity, and sentenced him to life imprisonment;²

NOTING that, on 22 March 2006, the Appeals Chamber of the ICTY, *inter alia*: (i) affirmed Stakić’s convictions for extermination as a crime against humanity, murder as a violation of the laws or customs of war, and persecution as a crime against humanity; (ii) resolved that the Trial Chamber had incorrectly found Stakić not guilty for other inhumane acts (forcible transfer) as a crime against humanity and for deportation as a crime against humanity; and (iii) having found errors in the Trial Chamber’s sentencing findings, imposed upon Stakić a single sentence of 40 years’ imprisonment;³

NOTING that, on 12 January 2007, Stakić was transferred to the French Republic (“France”) to serve the remainder of his sentence;⁴

NOTING that, on 31 December 2024, I provisionally recognised, for the period from 31 January 2023 to 31 January 2024, a sentence remission of three months to which Stakić had become eligible under French law, with the prospect of acquiring more, to be counted towards his remaining prison term;⁵

NOTING that, on 2 July 2026, the Registry of the Mechanism filed on the judicial record a *note verbale*, dated 19 June 2026, transmitting a letter from the Ministry of Justice of France, dated 18 June 2026, notifying the Mechanism that, pursuant to French law, Stakić is entitled, without any

¹ *Prosecutor v. Milomir Stakić*, Case No. IT-97-24-T, Judgement, 31 July 2003 (“Trial Judgement”), para. 10; *Prosecutor v. Milomir Stakić*, Case No. IT-97-24-A, Judgement, 22 March 2006 (“Appeal Judgement”), Annex A, para. 2.

² Trial Judgement, p. 253.

³ Appeal Judgement, paras. 416, 423, 428, pp. 141-142.

⁴ See ICTY Press Release, Milomir Stakić transferred to serve sentence in France, 12 January 2007, <https://www.icty.org/en/press/milomir-staki%C4%87-transferred-serve-sentence-france>. See also *Prosecutor v. Milomir Stakić*, Case No. IT-97-24-ES, Order Designating the State in Which Milomir Stakić is to Serve his Prison Sentence, 31 August 2006, p. 2; *Prosecutor v. Milomir Stakić*, Case No. IT-97-24-ES, Order Withdrawing the Confidential Status of Order Designating the State in Which Milomir Stakić is to Serve his Prison Sentence, 29 October 2008, p. 2.

⁵ See Decision on Notification of Sentence Remission, 31 December 2024 (“Stakić Decision”), p. 4. See also Stakić Decision, pp. 2-3.

merit-based considerations, to a sentence reduction credit (“CRP”) of two months for the period from 31 January 2023 to 31 January 2024, further to the additional sentence reductions (“RSP”) already granted for the same period;⁶

RECALLING that, pursuant to Article 25(2) of the Statute of the Mechanism (“Statute”), the Mechanism shall have the power to supervise, *inter alia*, the enforcement of sentences pronounced by the ICTY, including the implementation of sentence enforcement agreements entered into by the United Nations with Member States;

RECALLING that Article 3(1) of the relevant enforcement agreement between the United Nations and France,⁷ which applies *mutatis mutandis* to the Mechanism,⁸ provides that “[i]n enforcing the sentence pronounced by the [ICTY], the competent national authorities of [France] shall be bound by the duration of the sentence”;

CONSIDERING that sentence remissions stemming from the domestic laws of an enforcement State do not amount to commutation of sentence *before the Mechanism*, but instead equate to commutation of sentence *before the enforcement State* and that, while sentence remission decisions taken by an enforcement State may affect the enforcement State’s own calculation of the length of a convicted person’s sentence, they will not impact the Mechanism’s calculation of the end date of the convicted person’s sentence;⁹

CONSIDERING that, as domestic sentence remissions do not affect the duration of the sentence under the Mechanism’s framework, an analysis of the factors outlined in Rule 151 of the Mechanism’s Rules of Procedure and Evidence (“Rules”) is unnecessary, if, as in the present case, the notification is not otherwise included in an application for pardon, commutation of sentence, or early release;¹⁰

FINDING that the Sentence Reduction Notification does not impact the duration of Stakić’s sentence under the authority of the Mechanism;

⁶ *Note verbale*, 19 June 2026 (confidential) and *Lettre du Ministère de la Justice*, 18 June 2026 (confidential) (“Sentence Reduction Notification”), Registry Pagination (“RP”) 106-103. An English translation was filed on 8 July 2026. All references herein are to the French original version. I note that, according to French law, prisoners are: (i) entitled to CRP, calculated on the basis of the length of their sentence, from the moment of their imprisonment in France and without the intervention of a judge, at a rate of three months for the first year and two months for each subsequent year; and (ii) RSP may be granted by decision of the sentence enforcement judge following consideration of the prisoner’s status. *See* Sentence Reduction Notification, RP 106.

⁷ Agreement Between the United Nations and the Government of the French Republic on the Enforcement of Sentences of the International Criminal Tribunal for the former Yugoslavia, 25 February 2000.

⁸ *See* Security Council Resolution 1966 (2010), 22 December 2010, para. 4.

⁹ *Prosecutor v. Dragoljub Kunarac*, Case No. MICT-15-88-ES.1, Decision on Notification of Sentence Remission, 29 August 2025 (“*Kunarac Decision*”), p. 2; *Stakić Decision*, p. 3; *Prosecutor v. Vlastimir Đorđević*, Case No. MICT-14-76-ES, Decision on Sentence Remission, 20 August 2024 (“*Đorđević Decision*”), p. 2.

¹⁰ *See Kunarac Decision*, p. 2; *Stakić Decision*, p. 3; *Đorđević Decision*, p. 2.

PURSUANT TO Article 25(2) of the Statute and Rule 128 of the Rules;

HEREBY provisionally recognise, for the period from 31 January 2023 to 31 January 2024, an additional sentence remission of two months for which Stakić has become eligible under French law; and

CLARIFY that this provisionally recognised sentence remission has no impact on the end date of Stakić's sentence, which is 12 March 2041.

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

Done this 21st day of July 2026,
At The Hague,
The Netherlands.



Judge Graciela Gatti Santana
President



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To/ À :	IRMCT Registry/ Greffe du MIFRTP		☐ Arusha/ Arusha	☒ The Hague/ La Haye
From/ De :	☒ President/ Président	☐ Chambers/ Chambre	☐ Prosecution/ Bureau du Procureur	☐ Defence/ Défense
			☐ Registrar/ Greffier	☐ Other/ Autre
Case Name/ Affaire :	Prosecutor v. Milomir Stakić		Case Number/ Affaire n° :	MICT-13-60-ES
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		☐ Ex Parte Rule 86 applicant excluded/ Article 86 requérant exclu		
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