

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-16-98-ES

Date: 5 December 2025

Original: English

THE PRESIDENT OF THE MECHANISM

Before: Judge Graciela Gatti Santana, President

Registrar: Mr. Abubacarr M. Tambadou

Decision of: 5 December 2025

PROSECUTOR

v.

DRAGOMIR MILOŠEVIĆ

PUBLIC REDACTED VERSION

**DECISION ON THE APPLICATION
FOR EARLY RELEASE OF DRAGOMIR MILOŠEVIĆ**

Counsel for Mr. Dragomir Milošević:

Mr. Novak Lukić

Republic of Estonia

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

NOTING that, on 12 December 2007, Trial Chamber III of the International Criminal Tribunal for the former Yugoslavia (“ICTY”) found Mr. Dragomir Milošević (“Milošević”) guilty, pursuant to Article 7(1) of the Statute of the ICTY (“ICTY Statute”), of the crime of terror as a violation of the laws or customs of war, and murder and inhumane acts as crimes against humanity, and sentenced him to 33 years of imprisonment;¹

NOTING that, on 12 November 2009, the Appeals Chamber of the ICTY, *inter alia*: (i) set aside Milošević’s convictions for certain crimes; (ii) replaced his convictions with respect to certain crimes under Article 7(1) of the ICTY Statute with convictions pursuant to Article 7(3) of the ICTY Statute; and (iii) reduced his sentence to 29 years of imprisonment;²

NOTING that, on 22 March 2011, Milošević was transferred to the Republic of Estonia (“Estonia”) to serve the remainder of his sentence;³

BEING SEISED OF an application for early release on humanitarian grounds filed confidentially by Milošević on 16 May 2025 (“Application”);⁴

NOTING that Milošević has served two-thirds of his sentence as of March 2024 and is therefore eligible to be considered for early release before the Mechanism;⁵

RECALLING that, on 13 December 2024, I denied Milošević’s previous application for early release, having concluded that significant factors militated against his early release, including the high gravity of his crimes and his failure to demonstrate sufficient signs of rehabilitation, and having found no evidence establishing the existence of compelling humanitarian grounds, including his health condition, that would warrant overriding this negative assessment;⁶

NOTING Milošević’s submission that his health has deteriorated since he filed his previous application for early release, requiring “constant monitoring and care, which cannot always be

¹ See *Prosecutor v. Dragomir Milošević*, Case No. IT-98-29/1-T, Judgement, 12 December 2007, paras. 1006, 1008.

² *Prosecutor v. Dragomir Milošević*, Case No. IT-98-29/1-A, Judgement, 12 November 2009 (“Appeal Judgement”), p. 144.

³ *Prosecutor v. Dragomir Milošević*, Case No. IT-98-29/1-ES, Order Designating State in Which Dragomir Milošević is to Serve his Sentence, 14 February 2011, pp. 1-2. See also Decision of the Early Release of Dragomir Milošević, 29 July 2020 (“Decision of 29 July 2020”), p. 1.

⁴ Dragomir Milošević’s Application for Early Release on Humanitarian Grounds, 16 May 2025 (confidential). A public redacted version of the Application was filed on 9 June 2025.

⁵ Decision of 29 July 2020, p. 4.

⁶ Decision on the Application for Early Release of Dragomir Milošević, 13 December 2024 (“Decision of 13 December 2024”), paras. 38, 61, 65, 87, 90.

provided”, and his request that the present Application be considered on “purely humanitarian grounds”, citing a number of medical complaints, including: (i) [REDACTED]; (ii) [REDACTED]; (iii) [REDACTED], which he asserts impedes his communication with others and leads to a worsening of [REDACTED] problems; (iv) [REDACTED]; and (v) [REDACTED];⁷

NOTING that, according to Milošević, who is 83 years old, his medical complaints are worsening due to his age, the length of his sentence, the absence of family contact, and the fact that he does not have access to: (i) regular [REDACTED] in a language he understands; (ii) [REDACTED]; or (iii) [REDACTED] that could improve his [REDACTED] and [REDACTED];⁸

NOTING that, on 23 May 2025, I sent a letter to the Estonian authorities requesting, as soon as practicable, a psychiatric or psychological evaluation of Milošević’s present mental condition and a medical report on Milošević’s present physical condition, including whether he remains capable of serving his sentence in Estonia;⁹

NOTING that, on 20 June 2025, I received a medical report from the Estonian authorities indicating that Milošević, *inter alia*: (i) is experiencing age-related changes, with [REDACTED] being the primary issue, but also including age-related [REDACTED]; (ii) is under regular medical supervision for a number of comorbidities, including “[REDACTED]”; (iii) has limited [REDACTED], and [REDACTED]; and (iv) has [REDACTED];¹⁰

NOTING that the Medical Report also indicates that: (i) at present, Milošević is physically able to manage independently, and chronic health conditions are compensated with appropriate treatment; (ii) with advancing age, the patient may require special care services; and (iii) “[f]rom a medical perspective, early release is justified, taking into account the patient’s age and chronic health conditions”;¹¹

NOTING that Milošević was given an opportunity to provide comments on the Medical Report, but no submissions have been received to date;¹²

⁷ Application, paras. 10, 13-16, 18.

⁸ Application, paras. 5, 16-17. *See also* Application, para. 12-13.

⁹ Letter from the President to the Ambassador of Estonia, dated 23 May 2025 (confidential) (indicating that, in view of Milošević’s advanced age, it would be helpful if these reports could be prepared by, or in consultation with, a medical practitioner with training in geriatrics).

¹⁰ Letter from the Ministry of Justice and Digital Affairs of Estonia to the President, dated 19 June 2025 (confidential), Annex (“Medical Report”), p. 1.

¹¹ Medical Report, p. 1.

¹² *See* Internal Memorandum from the President to the Registrar, dated 26 June 2025 (confidential) (instructing the Registry of the Mechanism to convey the Medical Report to Milošević for his comments).

RECALLING that, 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;

RECALLING that, 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;¹³

RECALLING that, pursuant to Rule 150 of the Rules, upon receipt of a direct petition from the convicted person, the President shall 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;

RECALLING that Rule 151 of the Rules sets out the general standards for granting pardon, commutation of sentence, or early release;

RECALLING that Article 3(3) of the enforcement agreement between the United Nations and the Government of Estonia provides that the conditions of imprisonment shall be governed by Estonian law, subject to the Mechanism’s supervision;¹⁴

RECALLING that, in the context of an application for early release, a convicted person’s health must be taken into account when information about the seriousness of the condition establishes compelling humanitarian grounds that make it inappropriate for the convicted person to remain in prison any longer;¹⁵

¹³ 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 Mechanism’s Rules of Procedure and Evidence (“Rules”) reflect the President’s power to deal with such requests, which is also consistent with the longstanding practice of the ICTR, the ICTY, and the Mechanism.

¹⁴ Agreement Between the Government of the Republic of Estonia and the United Nations on the Enforcement of Sentences of the International Criminal Tribunal for the former Yugoslavia, 11 February 2008. *See* Security Council Resolution 1966 (2010), 22 December 2010, para. 4.

¹⁵ *See 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), para. 56; *Prosecutor v. Nebojša Pavković*, Case No. MICT-14-67-ES.2, Decision on the Application for Early Release of Nebojša Pavković, 26 September 2025, p. 2; *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.

RECALLING that applications premised solely on the combination of advanced age and poor health, without further demonstrating the existence of an acute crisis or a life-threatening medical condition, have not met the threshold of “compelling humanitarian grounds”;¹⁶

CONSIDERING that the Medical Report does not indicate that Milošević is suffering from an acute crisis or a life-threatening medical condition;¹⁷

RECALLING that, in the Decision of 13 December 2024, I considered, *inter alia*, a number of Milošević’s age-related health concerns, including his worsening [REDACTED] problems, [REDACTED], [REDACTED] problems, [REDACTED] disorders, and [REDACTED], as well as certain [REDACTED], such as [REDACTED] impairment and [REDACTED], difficulty [REDACTED], and a decline in his [REDACTED];¹⁸

CONSIDERING that, despite suffering from a number of chronic health conditions, many of which are longstanding and have been taken into account in previous early release decisions,¹⁹ the information before me indicates that Milošević: (i) is receiving ongoing treatment; (ii) is under regular medical supervision; and (iii) continues to be physically able to manage independently;²⁰

CONSIDERING that, although the Medical Report indicates that, when accounting for Milošević’s age and chronic health conditions, early release is justified from a medical perspective, these conditions do not yet rise to a degree of seriousness that renders his continued imprisonment inappropriate, particularly in view of the adequacy of the care provided;²¹

CONSIDERING that, while Milošević refers to further information about his health that he has allegedly received,²² no such reports or other communications have been filed in support of the Application, and he has similarly not submitted any documentation attesting to his need for the specified medical treatments, namely, regular [REDACTED] support, [REDACTED], and [REDACTED] programs to improve [REDACTED] and [REDACTED];

¹⁶ See *Prosecutor v. Ratko Mladić*, MICT-13-56-ES, Decision on the Application for Release of Ratko Mladić, 29 July 2025, para. 31; *Prosecutor v. Zdravko Tolimir*, MICT-15-95-ES, Public Redacted Version of the “Decision on Motion for Provisional Release” filed on 28 January 2016, 23 February 2016, para. 9, fn. 35 and references cited therein. See also *Prosecutor v. Radoslav Krstić*, Case No. 13-46-ES.1, Decision on the Application for Early Release of Radoslav Krstić, 3 February 2025 (public redacted), para. 72 (finding that age and chronic health conditions did not rise to the level of compelling humanitarian grounds).

¹⁷ See Medical Report, p. 1.

¹⁸ Decision of 13 December 2024, para. 85.

¹⁹ See Decision of 13 December 2024, para. 87.

²⁰ See Medical Report, p. 1.

²¹ See Medical Report, p. 1.

²² Application, paras. 11-14, 19.

FINDING, therefore, that Milošević fails to establish compelling humanitarian grounds warranting his early release;

CONSIDERING that, as Milošević bases the Application exclusively on compelling humanitarian grounds, there is no need to analyse and consider the non-exhaustive list of factors set out in Rule 151 of the Rules;

CONSIDERING that, in accordance with Rule 150 of the Rules and paragraph 16 of the Practice Direction,²³ I have consulted with Judge Liu Daqun, in his capacity as a Judge of the sentencing Chamber on appeal in Milošević's case,²⁴ and as no other Judges who imposed the sentence upon Milošević are Judges of the Mechanism, with Judge Ivo Nelson de Caires Batista Rosa;

CONSIDERING further that Judge Liu and Judge Rosa share my position that Milošević has not demonstrated any compelling humanitarian grounds, which would warrant granting him early release and, therefore, are both in favour of denying the Application;

FOR THE FOREGOING REASONS,

HEREBY DENY the Application.

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

Done this 5th day of December 2025,
At The Hague
The Netherlands.


Judge Graciela Gatti Santana
President

[Seal of the Mechanism]

²³ See 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.

²⁴ See generally Appeal Judgement.



TRANSMISSION SHEET FOR FILING OF DOCUMENTS / FICHE DE TRANSMISSION POUR LE DÉPÔT DE DOCUMENTS

I - FILING INFORMATION / INFORMATIONS GÉNÉRALES

To/ À :	IRMCT Registry/ Greffe du MIFRTP		<input type="checkbox"/> Arusha/ Arusha	<input checked="" type="checkbox"/> The Hague/ La Haye
From/ De :	<input checked="" type="checkbox"/> President/ Président	<input type="checkbox"/> Chambers/ Chambre	<input type="checkbox"/> Prosecution/ Bureau du Procureur	<input type="checkbox"/> Defence/ Défense
			<input type="checkbox"/> Registrar/ Greffier	<input type="checkbox"/> Other/ Autre
Case Name/ Affaire :	Prosecutor v. Dragomir Milošević		Case Number/ Affaire n° : MICT-16-98-ES	
Date Created/ Daté du :	5 December 2025		Date transmitted/ Transmis le :	5 December 2025
			Number of Pages/ Nombre de pages :	6
Original Language/ Langue de l'original :	<input checked="" type="checkbox"/> English/ Anglais	<input type="checkbox"/> French/ Français	<input type="checkbox"/> Kinyarwanda	<input type="checkbox"/> B/C/S
	<input type="checkbox"/> Other/ Autre (specify/ préciser):			
Title of Document/ Titre du document :	Decision on the Application for Early Release of Dragomir Milošević			
Classification Level/ Catégories de classification :	<input checked="" type="checkbox"/> Public/ Document public	<input type="checkbox"/> Ex Parte Defence excluded/ Défense exclue		
	<input type="checkbox"/> Confidential/ Confidentiel	<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		
		<input type="checkbox"/> Ex Parte other exclusion/ autre(s) partie(s) exclue(s) (specify/ préciser) :		
Document type/ Type de document :	<input type="checkbox"/> Motion/ Requête <input type="checkbox"/> Judgement/ Jugement/Arrêt <input type="checkbox"/> Book of Authorities/ Recueil de sources <input type="checkbox"/> Warrant/ Mandat <input checked="" type="checkbox"/> Decision/ Décision <input type="checkbox"/> Submission from parties/ Écritures déposées par des parties <input type="checkbox"/> Affidavit/ Déclaration sous serment <input type="checkbox"/> Notice of Appeal/ Acte d'appel <input type="checkbox"/> Order/ Ordonnance <input type="checkbox"/> Submission from non-parties/ Écritures déposées par des tiers <input type="checkbox"/> Indictment/ Acte d'accusation			

II - TRANSLATION STATUS ON THE FILING DATE/ ÉTAT DE LA TRADUCTION AU JOUR DU DÉPÔT

<input type="checkbox"/> Translation not required/ La traduction n'est pas requise
<input checked="" type="checkbox"/> Filing Party hereby submits only the original, and requests the Registry to translate/ La partie déposante ne soumet que l'original et sollicite que le Greffe prenne en charge la traduction : (Word version of the document is attached/ La version Word du document est jointe)
<input type="checkbox"/> English/ Anglais <input type="checkbox"/> French/ Français <input type="checkbox"/> Kinyarwanda <input checked="" type="checkbox"/> B/C/S <input type="checkbox"/> Other/ Autre (specify/ préciser):
<input type="checkbox"/> Filing Party hereby submits both the original and the translated version for filing, as follows/ La partie déposante soumet l'original et la version traduite aux fins de dépôt, comme suit :
Original/ Original en : <input type="checkbox"/> English/ Anglais <input type="checkbox"/> French/ Français <input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S <input type="checkbox"/> Other/ Autre (specify/ préciser):
Traduction/ Traduction en : <input type="checkbox"/> English/ Anglais <input type="checkbox"/> French/ Français <input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S <input type="checkbox"/> Other/ Autre (specify/ préciser):
<input type="checkbox"/> Filing Party will be submitting the translated version(s) in due course in the following language(s)/ La partie déposante soumettra la (les) version(s) traduite(s) sous peu, dans la (les) langue(s) suivante(s):
<input type="checkbox"/> English/ Anglais <input type="checkbox"/> French/ Français <input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S <input type="checkbox"/> Other/ Autre (specify/ préciser):