

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-14-63-ES

Date: 27 February 2025

Original: English

THE PRESIDENT OF THE MECHANISM

Before: Judge Graciela Gatti Santana, President

Registrar: Mr. Abubacarr M. Tambaou

Date: 27 February 2025

PROSECUTOR

v.

GORAN JELISIĆ

PUBLIC WITH PUBLIC REDACTED ANNEXES A AND B

**REGISTRAR'S SUBMISSION OF AN APPLICATION FOR EARLY
RELEASE RECEIVED FROM GORAN JELISIĆ**

Mr. Goran Jelisić

1. Pursuant to Rule 31(B) of the Rules of Procedure and Evidence of the International Residual Mechanism for Criminal Tribunals and the President's request, I respectfully file a public redacted version of the application for early release, received by the Registry from Mr. Goran Jelisić on 27 September 2024.
2. Mr. Jelisić submitted his application in Bosnian/Croatian/Serbian ("Application" and "BCS", respectively), together with attachments ("Attachments"). Subsequently, Mr. Jelisić submitted to the Registry redacted versions of his Application and the Attachments, featuring crossed out parts and pages in pen. The redacted Application, in original BCS, is attached as Annex A to this submission.¹ As Mr. Jelisić redacted in full all Attachments to his Application, these are not included in annex.
3. A public redacted English translation of the Application, prepared by the Registry's Language Support Services, is attached as Annex B.
4. I remain available should you require further information.

Respectfully submitted,



Abubacarr M. Tambaou
Registrar

Done this 27^h day of February 2025,
At The Hague,
The Netherlands.

¹ To give effect to Mr. Jelisić's redactions in the Application, the Registry has used black marks in Annex A. The Registry has included two additional redactions in the Application to ensure consistency with the redactions proposed by Mr. Jelisić.

PUBLIC REDACTED

ANNEX A

**Međunarodni rezidualni mehanizam
za krivične sudove**

Predmet

Broj: MICT-14-63-ES

Tužilac

protiv

Gorana Jelisića

**MOLBA ZA PRIJEVREMENO PUŠTANJE NA SLOBODU
GORANA JELISIĆA**

1. KONTEKST

Ja, Goran Jelisić, po optužnici, optužen sam u petnaest tačaka za zločine protiv čovječnosti, u šesnaest tačaka za kršenje zakona ili običaja ratovanja i u jednoj za genocid, sve u vezi sa zločinima počinjenim u maju 1992.godine u Brčkom, grad u Bosni i Hercegovini.

Uhapšen sam 22 januara 1998.g. i odmah sam prebačen u Pritvorsku jedinicu Ujedinjenih nacija u Hagu.

Dana, 29.oktobra 1998.g. izjasnio sam se krivim po trideset i jednoj tački optužnice za zločine protiv čovječnosti i kršenje zakona ili običaja ratovanja a za genocid sam se izjasnio da nisam kriv.

Pretno vijeće Međunarodnog suda prihvatilo je moje potvrdno izjašnjenje o krivici, te se sudski postupak vodio o samo jednoj tački optužnice- za genocid. Dana, 19. oktobra 1999.g. Pretno vijeće donijelo je usmenu presudu na osnovu pravila 98bis i 98ter Pravilnika o postupku i dokazima i proglasilo me krivim za zločine protiv čovječnosti i kršenje zakona ili običaja ratovanja, a oslobodilo me za tačku 1. optužnice, za genocid. Pretno vijeće 14. decembra 1999.g. donijelo je presudu i izreklo mi kaznu zatvora od 40 godina. Dana 5. jula 2001.g. Žalbeno vijeće potvrdilo je presudu i kaznu koju je izreklo Pretno vijeće.

Dana 29. maja 2003.g. iz Pritvorske jedinice prebačen sam na izdržavanje kazne zatvora u Republiku Italiju a sada od 18.04.2023.g. kaznu zatvora izdržavam u ([REDACTED]) Kraljevina Belgija.

2. MJERODAVNO PRAVO

Tačkom 5. (direktna molba) Uputstva za rad prilikom rješavanja po molbama za pomilovanje, ublažavanje kazne ili prijevremeno puštanje na slobodu osoba koje su osudili MKSR, MKSJ ili Mehanizam (MICT/3/Rev.3 od 15.maja 2020.) propisano je. „ Osuđena osoba može predsjedniku direktno uputiti molbu za pomilovanje, ublažavanje kazne ili prijevremeno puštanje na slobodu ako smatra da ispunjava uslove.“

Pravilo 151. Pravilnika o postupku i dokazima propisuje: „ Prilikom utvrđivanja da li je primjereno osuđenog pomilovati, ublažiti mu kaznu ili ga prijevremeno pustiti na slobodu, predsjednik, između ostalog, uzima u obzir težinu krivičnog djela ili krivičnih djela za koje je zatvorenik osuđen, postupak prema zatvorenicima u sličnoj situaciji, u kolikoj mjeri je zatvorenik pokazao da se rehabilitovao, kao i eventualnu značajnu saradnju zatvorenika s tužiocem. „

Goran Jelisić

Molbu za prijevremeno puštanje na slobodu podnosim u vrijeme kada sam izdržao dvije trećine izrečene mi kazne zatvora.

3. TEŽINA KRIVIČNIH DJELA

Duboko sam svjestan da sam osuđen za vrlo teška krivična djela za koja sam se izjasnio krivim. Kazna zatvora u trajanju od 40. godina koja mi je izrečena smatram da je adekvatna težini učinjenih krivičnih djela i istu sam prihvatio kao realno odmjerenu kaznu iako sam u tom periodu (maj 1992.g.) u hijerarhijskoj strukturi bio običan „ pion „. Kajem se za učinjena krivična djela, svaki dan osjećam grižu savjesti prema žrtvama i porodicama istih i svaki dan se u sebi molim da mi oprostite za bolove i patnje koje sam im nanio. Zbog svega toga prilikom izdržavanja kazne zatvora trudio sam se i trudim se da se dobro vladam i ponašam ne samo prema osoblju zatvora nego i prema svim zatvorenicima bez obzira na pol, vjeru ili rasu. Trudim se da budem što bolji u procesu rehabilitacije i resocijalizacije, da što više napredujem i smatram da sam u tom i uspio jer su mi italijanske vlasti skratile kaznu u ukupnom iznosu od 1.845 dana a to skraćenje mi je i uslovno priznato kako od Međunarodnog suda i Mehanizma svojim odlukama, bez prejudiciranja diskrecionog ovlaštenja predsjednika da skraćjenja ne uzme u obzir pri izračunavanju ukupnog izdržanog vremena u neke druge svrhe.

„ O svojoj prošlosti, dotični ne priča baš opširno. Ističe da je u Italiji već dobio ([REDACTED]) Dotični ne poriče događaje koji su doveli do njegovog osuđivanja. Žao mu je zbog svega što se desilo u ratu i kaže da svakodnevno misli na žrtve i njihove familije. Mnogo ga muče noćne more i proživljavanja. Ne zna kako je nešto mogao drugačije da uradi u ratu, ali veoma često misli na to. Kaže da je bio veoma mlad, naime imao je 26 godina. Zaključuje da bi, da je tada drugačije reagovao, možda i sam umro. On to naziva tragedijom. Razara ga osjećanje krivice. Rat u Ukrajini ga podsjeća na to. Ratove naziva besmislenim.“
(Priog: ([REDACTED])
15.02.2024.g.)

U vrijeme odlučivanja o mojoj molbi za prijevremeno puštanje na slobodu biću jedan od zatvorenika koji je proveo najduži vremenski period u zatvoru i pored toga sam svjestan da mi težina učinjenih krivičnih djela u nekoj mjeri ne ide u prilog ali sam takođe svjestan da sam se u potpunosti rehabilitovao i resocijalizovao tako da sam spreman da se uključim u socijalne i društvene tokove i da postanem koristan i odgovoran član društvene zajednice koji će uvijek raditi na širenju tolerancije, razumijevanja, ljubavi, međusobnog mira i nenasilnog rješavanja bilo kakvih konflikata.

Jelena Guf

4. POKAZIVANJE REHABILITACIJE

Dana 29. maja 2003.g. kao što sam već naveo prebačen sam u Republiku Italiju radi izdržavanja ostatka kazne zatvora.

U Republici Italiji kaznu zatvora izdržavao sam u raznim zatvorima Republike Italije a sada kaznu zatvora izdržavam u Kraljevini Belgiji od 18.04.2023.g.

Dok sam bio na izdržavanju kazne zatvora u Republici Italiji u raznim zatvorima odmah sam prihvatio da se što prije uključim u proces rehabilitacije i resocijalizacije pa sam vrlo brzo prihvatio da budem radno angažovan i obavljao sam razne poslove. Radio u zatvorskim kuhinjama, kao krojač, popravljao espreso aparate a na kraju boravka u Italiji u zatvoru Massa radio sam u col centru Ministarstva zdravlja Republike Italije zakazujući strankama termine kod speijalista, doktora iz raznih medicinskih oblasti i zakazivao sam operacije pacijentima. Smatram da sam na taj način vršeći odgovorno svoj posao spasao mnoge živote našta sam posebno ponosan. U tu prostoriju ovlaštenje za ulazak jedino sam imao ja. To ovlaštenje nije imao ni upravnik zatvra u Massi. Po dolasku na izdržavanje kazne zatvora u [REDAKTIRANO] takođe sam se trudio da budem radno angažovan, zavisno od mogućnosti zatvora, pa sam čistio krug zatvora, dijelio obroke zatvorenicima, kuvao popodnevnu kafu i dr.

Dok sam izdržavao kaznu zatvora u Republici Italiji vrlo brzo sam shvatio i prihvatio da sam u toku rata na području bivše Jugoslavije učinio vrlo teške zločine i za iste se iskreno pokajao i dan danas se za iste iskreno kajem i da bih sve to prevazišao, ako je to uopšte i moguće, uključio sam se u proces svog obrazovanja, stručnog usavršavanja i napredovanja. Tako sam stekao diplomu Fakulteta političkih nauka, završio elektrotehničku školu, srednju školu za električara, školu italijanskog jezika pri Univerzitetu u Sijeni, završio opštu školu obrazovanja, završio profesionalni kurs za kuvara, profesionalni kurs za šnajdera, profesionalni kurs za stolara, završio kurs i obuku za specijalnog tehničara za popravak i održavanje svih vrsta aparata za espreso kafu, završio specijalni kurs za rad u svim kuhinjama ugostiteljskih objekata i dobio sertifikat HACCP koji važi za sve države članice EU, završio više informativnih kurseva o lijepom ponašanju koje je organizovao zatvor Massa. O svemu gore navedenom dostavio sam već ranije dokaze Mehanizmu a zadnje dokaze dostavio sam 13.9.2020.g. tako da osjećam da nema potrebe da sve te dokaze ponovo dostavljam jer ih Mehanizam već ima a na taj način uštedjeće se u vremenu a i u novcu jer nema potrebe da se ti dokazi ponovo prevode jer su isti već prevedeni i kao što sam istakao u posjedu su Mehanizma. O mom radnom angažovanju u Republici Italiji i mojoj resocijalizaciji i rehlitaciji najbolji dokaz je Pismo preporuke, [REDAKTIRANO] od 31.05.2024.g. u čijem jednom dijelu se navodi: „ ...stoga bi nam bila namjera da zaposlimo g. Jelisića, nakon isteka zatvorskog perioda. „

Po dolasku na izdržavanje kazne zatvora u [REDAKTIRANO] nastavio sam da se obrazujem i usavršavam te sam počeo pohađati nastavu holandskog jezika za strance u

školskoj 23/24 godini. Moj nastavnik u potvrdi ističe: „ Goran želi vrlo rado učiti holandski jezik i pored toga što je metoda učenja vrlo komplikovana. ... Mnogo vremena koje Goran ima u zatvoru, dobro je iskorišteno za dnevno slušanje audio snimaka. Na času je on često koristio nove izraze koje je čuo i naučio preko audio snimaka. Zbog toga je nastavniku zadovoljstvo Goranu držati čas. Uz šolju kafe i mnogo strpljenja ide polako ali sigurno naprijed. (Prilog: Potvrta [REDACTED] [REDACTED] 05.02.2024.g.).

Na izdržavanju kazne zatvora prema zatvorskom osoblju i drugim zatvorenicima uvijek sam bio korektan i moje vladanje je bilo primjereno tako da nikad nisam bio disciplinski kažnjavao. Koliko sam se rehabilitovao i resocijalizovao najbolje pokazuje sledeći događaj. Dana 01.04.2022.g. dok sam još kaznu izdržavao u zatvoru Massa, Republika Italija u krugu zatvora došlo je do verbalnog koflikta te je jedan zatvorenik fizički krenuo da napadne na ([REDACTED] [REDACTED]) koju sam ja uhvatio za ruku i stavio je iza mojih leđa tako da je mene zatvorenik pesnicama udrio u predjelu ramenog pojasa, ali bez obzira na te udarce ja sam zaštitio [REDACTED] smatrajući to mojom moralnom obavezom. (Prilog: Usluge medicinskog vještaka, 01.04.2022.g.).

Što se mog zdravstvenog stanja [REDACTED]

[REDACTED]

[REDACTED] Postoji svijest i uvid u njegovu prošlost.“

Ukoliko budem nušten na prijevremenu slobodu namjera mi je da živim u Republici Srbiji, [REDACTED] Srbiji svoju kuću.)

Trudim se da budem što bolji u procesu rehabilitacije i resocijalizacije, da što više napredujem i smatram da sam u tom i uspio jer su mi italijanske vlasti skratile kaznu u ukupnom iznosu od 1.845 dana a to skraćenje mi je i uslovno priznato [REDACTED] Međunarodnog suda i Mehanizma. Ovdje bih želio istaći stav predsjednika ([REDACTED] [REDACTED]) iznijet u Odluci broj: MICT-14-63- ES od 11.marta 2021.g., paragraf 31. u kome navodi: „ Međutim, napominjem da se odluke o skraćnju kazne koje donosi država izvršenja kazne mogu pred Mehanizmom koristiti kao dokaz dobrog vladanja i napredovanja u procesu rehabilitacije u svrhu podnošenja molbe za pomilovanje, ublažavanja kazne ili prijevremenog puštanja na slobodu. „ što ja ovom prilikom i činim pozivajući se na priznato skraćenje kazne u iznosu od 1.845.dana. Dalje želim napomenuti da u Odluci u predmetu Šantić (IT-95-16-ES) tadašnji predsjednik Patrick Robinson napomenuo je da: „ iako Šantić u trenutku kad je ta Odluka donesena još nije bio izdržao dvije trećine kazne, on je ipak

svojim radom i dobrim vladanjem stekao pravo na 302 dana povlastice koji će se uračunati u ukupno izdržanu kaznu, tako da kada se uzmu u obzir ti dani povlastice koji mu sleduju na osnovu zakonskih odredbi države u kojoj izdržava kaznu Šantić je do trenutka donošenja Odluke u predmetu Šantić, zapravo izdržao dvije trećine svoje kazne. Odluka u predmetu Šantić, par. 8. „

Koliko sam se rehabilitovao, resocijalizovao, pokajao za učinjena teška krivična djela, najbolje se vidi iz Odluke predsjednika u vezi s priznavanjem ublažavanja kazne, sk. [REDACTED] kazne i prijevremenim puštanjem na slobodu Gorana Jelisića, [REDACTED] predsjednik Mehanizma za međunarodne krivične sudove, broj: MICT-14-63-ES od 22.maja 2017.g. gdje predsjednik u paragrafu 55. navodi:

„... **Iz istih razloga koji su gore navedeni, a konkretno zbog toga što je Jelisićevo vladanje u pritvoru bilo primjereno i nije dalo povoda ni za kakve disciplinske prigovore, te stoga što on izražava kajanje i sram za učinjene zločine koje je počinio, njegovi trenutni znakovi rehabilitacije takođe govore u prilog prijevremenog puštanja na slobodu.** „

5. ZNAČAJNA SARADNJA SA TUŽILAŠTVOM

Ponovo napominjem da sam u Pritvorsku jedinicu UN u Hagu smješten 22. januara 1998.g. Moja odbrana, Tužilaštvo i ja **već 9. septembra 1998.g.** dostavili smo Pred Pretresnom vijeću Međunarodnog suda u Hagu, Povjerljiv podnesak „ Činjenice u vezi sa kojima je postignut sporazum za izjašnjavanje o krivici Gorana Jelisića „ i taj povjerljivi Podnesak sigurno se nalazi kao dokaz u mom predmetu broj: IT- 95-10 – PT. Suđenje se vodilo samo o jednoj tački optužnice- genocid – koji nisam mogao priznati jer smatram da ga nisam ni počinio a na kraju Pretresno vijeće po toj tački optužnice oslobodilo me krivice. Dana, **29.oktobra 1998.g. izjasnio sam se krivim** po trideset i jednoj tački optužnice za zločine protiv čovječnosti i kršenje zakona ili običaja ratovanja.

Napomenuo bih da sudija [REDACTED] predsjednik Međunarodnog suda, u svojoj odluci broj : IT- 95-10-ES od 28.maja 2013.g. u paragrafu 33. navodi: „ ..Osim toga, iz spisa predmeta ne vidi se da je tužilaštvo zatražilo Jelisićevu saradnju ikad u toku postupka protiv njega, a ni nakon izricanja osuđujuće presude. Po svemu sudeći, tužilaštvo priznaje da je Jelisić u izvjesnoj mjeri saradivao, ali odriče da je ta saradnja bila značajna.“

Ovdje želim da naglasim da sam po mom mišljenju ostvario saradnju sa [REDACTED] Naime, dok sam izdržavao kaznu zatvora u Padovi, Republika Italija, u posjetu u trajanju od tri dana, [REDACTED] koji su sa sobom donijeli spisak [REDACTED]

[REDACTED] koje sam ja imao. Kasnije je ta saradnja prenijeta na nivo [REDACTED]

Napominjem da se ovdje [REDACTED] koje je Međunarodni sud u Hagu [REDACTED]

Takođe u Odluci predsjednika u vezi s priznavanjem ublažavanja kazne, skraćanja kazne i prijevremenim puštanjem na slobodu Gorana Jelisića, [REDACTED] predsjednik Mehanizma za međunarodne krivične sudove, broj: MICT-14-63-ES od 22.maja 2017.g. predsjednik u paragrafu 46. navodi: „**Podsjećam da se Jelisić izjasnio krivim za većinu krivičnih djela za koja je optužen, te da takvo potvrdno izjašnjavanje o krivici predstavlja određeni stepen saradnje s tužilaštvom, jer navedeno izjašnjavanje povoljno utiče na efikasno sprovođenje pravde. Stoga smatram da Jelisićeva saradnja, u tom pogledu predstavlja faktor koji pruža, u izvjesnoj mjeri govori u prilog uslovnom priznavanju skraćanja Jelisićeve kazne, za koje ispunjava uslove na osnovu italijanskih zakona.**“

Moja saradnja sa nadležnim Tužilaštvima, od gore navedene nije mogla biti ni veća a ni manja.

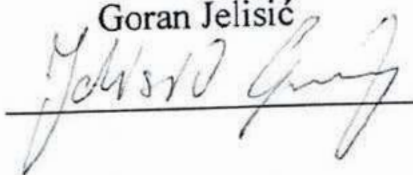

6. PRIJEDLOG ODLUKE

Imajući u vidu sve što sam naveo u ovom mom podnesku, molim Predsjednika Mehanizma da isti uzme u razmatranje i da nakon prikupljenih i svih drugih potrebnih podataka za odlučivanje o istom usvoji moju molbu za prijevremeno puštanje na slobodu i da me nakon što sam izdržao dvije trećine izečene mi kazne zatvora, prijevremeno pusti na slobodu, a prihvatam sva ograničenja koja mi Predsjednik Mehanizma izrekne za vrijeme trajanja mog prijevremenog puštanja na slobodu.

S poštovanjem.

[REDACTED], 27. 09. 2024

Podnosilac molbe:

Goran Jelisić



PUBLIC REDACTED

ANNEX B

**International Residual
Mechanism for Criminal
Tribunals**

Case No: MICT-14-63-ES

The Prosecutor

v.

Goran Jelisić

GORAN JELISIĆ'S APPLICATION FOR EARLY RELEASE

1. BACKGROUND

I, Goran Jelisić, was indicted on fifteen counts of crimes against humanity, sixteen counts of crimes against the laws or customs of war, and one count of genocide, all in connection with the crimes committed in May 1992 in Brčko, a town in Bosnia and Herzegovina.

I was arrested on 22 January 1998 and transferred immediately to the United Nations Detention Unit in The Hague.

On 29 October 1998 I pleaded guilty to 31 counts of crimes against humanity and violations of the laws or customs of war, and I pleaded not guilty to genocide.

The Trial Chamber of the International Tribunal accepted my guilty plea and the proceedings were conducted for only one count of the indictment – that of genocide.

On 19 October 1999, the Trial Chamber rendered its judgement orally, pursuant to Rule 98 *bis* and Rule 98 *ter* of the Rules of Procedure and Evidence, declaring that I was guilty of crimes against humanity and violations of the laws or customs of war and acquitting me of Count 1 of the indictment – the count of genocide. On 14 December 1999, the Trial Chamber rendered its judgement and sentenced me to 40 years' imprisonment. On 5 July 2001, the Appeals Chamber affirmed the judgement and the sentence imposed by the Trial Chamber.

On 29 May 2003, I was transferred from the Detention Unit to serve my sentence of imprisonment in the Republic of Italy, and since 18 April 2023 I have been serving my prison sentence at [REDACTED], the Kingdom of Belgium.

2. APPLICABLE LAW

Paragraph 5 (Direct Petition) of the 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.3 of 15 May 2020) provides as follows: “A convicted person may apply directly to the President for pardon, commutation of sentence, or early release, if the convicted person believes that he or she is eligible.”

Rule 151 of the Rules of Procedure and Evidence stipulates: “In determining whether pardon, commutation of sentence, or early release is appropriate, 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, as well as any substantial cooperation of the prisoner with the Prosecutor.”

Having served two-thirds of the prison sentence imposed on me, I hereby apply for early release.

3. GRAVITY OF THE CRIMES

I am deeply aware that I was convicted of very grave crimes, to which I have pleaded guilty. I believe that the sentence of 40 years' imprisonment imposed on me is appropriate in view of the gravity of the crimes committed, and I have accepted it as a realistically determined sentence, even though in the relevant period (May 1992) I was at the lowest level of the hierarchy. I feel remorse for the crimes committed and have pangs of conscience every day with regard to the victims and their families, and in my thoughts I pray every day that they forgive me for the pain and suffering I inflicted on them. Because of all this, during my imprisonment I have been trying to exhibit good conduct and behave well towards the prison staff as well as all prisoners, regardless of their gender, religion or race. I am trying to do my absolute best in the process of rehabilitation and resocialisation, to make as much progress as possible, and I believe that I have been successful therein, as the Italian authorities have reduced my sentence by a total of 1,845 days, and the International Tribunal and the Mechanism conditionally recognised the remission in their decisions, without prejudice to the President's discretionary right not to take the remission into account when calculating the total time served for any other purpose.

“The patient talks a little about his past, but not to any great extent. He noted that in Italy he underwent [REDACTED]. The patient does not deny the facts that led to his conviction, regrets everything that happened in war and says that he thinks about the victims and their families every day. He suffers a lot from nightmares and reliving experiences. He does not know how he could have behaved differently in the war, but thinks about it often. The patient states that he was still very young, only 26. He believes that had he reacted differently at the time, he himself would probably be dead. He calls it a tragedy. He is tormented by feelings of guilt. The war in Ukraine is a source of great concern to him. He calls wars pointless.” (Attachment: [REDACTED], 15 February 2024)

By the time a decision is rendered on my early release application, I will have been one of the prisoners who have served the longest time in prison, and I am aware that the gravity of the crimes committed to some extent weighs against my application, but I am also aware that I am fully rehabilitated and resocialised, and so I am ready to be reintegrated in society and become a useful and responsible member of the community, who will always strive to spread tolerance, understanding and love, and support peaceful coexistence and non-violent solutions to any conflicts.

4. DEMONSTRATION OF REHABILITATION

On 29 May 2003, as noted above, I was transferred to the Republic of Italy to serve the remainder of my sentence.

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In the Republic of Italy, I served my prison sentence in various prisons, and I have been imprisoned in the Kingdom of Belgium since 18 April 2023.

While serving my sentence in various prisons in the Republic of Italy, I agreed immediately to join the rehabilitation and resocialisation process as soon as possible, and I very quickly accepted work assignments and carried out various jobs. I worked in prison kitchens, as a tailor, repairing espresso machines and, at the end of my imprisonment in Italy, in Massa Prison, I worked at the call centre of the Ministry of Health of the Republic of Italy, making appointments for medical specialists in various fields, including appointments for surgeries. Having done my job in a responsible manner, I believe that I saved many lives, of which I am especially proud. I was the only person authorised to enter the room /where I worked/. Not even the warden of Massa Prison was authorised to come in. On arrival at [REDACTED] Prison to serve my sentence, I made efforts to find work, depending on what was available in the prison, and so I cleaned the prison grounds, distributed food to the prisoners, made afternoon coffee, and so on.

While serving my sentence in the Republic of Italy, I quickly realised and accepted the fact that I had committed very serious crimes during the war in the former Yugoslavia, and felt sincere remorse for them. I still feel sincere remorse, and in order to overcome all that, if that is at all possible, I have embarked on a process of education, acquisition of skills, and advancement. I obtained a diploma from the Faculty of Political Sciences, graduated from the school for electrical engineering, the secondary school for electricians, the Italian language school attached to the university in Siena, a general education school, a professional course for chefs, a professional course for tailors, a professional course for carpenters, a training course for specialist technicians for the repair and maintenance of all types of espresso machines, a special course allowing me to work in all kitchens at catering facilities and obtained the HACCP certificate recognised by all EU member states, and I have completed a number of informative courses on good behaviour organised by Massa Prison. I have already submitted evidence of all of the above to the Mechanism, including the latest evidence submitted on 13 September 2020, and I believe that it is not necessary to resubmit this evidence because it is already in the Mechanism's possession, and also to save time and money, as there is no need to translate them again since they have already been translated, and, as pointed out above, they are already in the possession of the Mechanism. The best evidence of the work I carried out in the Republic of Italy, and of my resocialisation and rehabilitation, is the letter of recommendation by [REDACTED], of 31 May 2024, which contains the following passage: "...we therefore intend to offer employment to Mr Jelisić once he has been released from prison."

Having arrived at [REDACTED] to serve my sentence, I continued to study and work on improving myself, and started to attend a Dutch language course for foreigners in the academic year 2023/2024. My teacher said in a certificate: "Goran wishes very much to learn Dutch even though the teaching method [...] is very incremental. [...] Goran made good use of the significant amount of time that he has in prison to listen to the audio recordings on a daily basis. During the lessons, he often used new expressions which he

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heard and learned through the audio recordings. Because of that, it is a pleasure for the teacher to give lessons to Goran. With a cup of coffee and much patience, things are moving forward, slowly but surely.” (Attachment: [REDACTED], 5 February 2024)

Throughout my imprisonment I have treated prison staff and other prisoners fairly and my behaviour has been exemplary, and so disciplinary measures have never been imposed on me. The following incident best shows the extent of my rehabilitation and resocialisation. On 1 April 2022, while I was serving my sentence at Massa Prison, the Republic of Italy, a verbal altercation occurred and a prisoner tried to physically attack [REDACTED], whom I took by the hand and placed behind me so that the prisoner punched me in the shoulder area, but even though I was being punched, I protected the [REDACTED] as I considered that to be my moral duty. (Attachment: Services of a medical expert, 1 April 2022).

With regard to my health, [REDACTED]. The conclusion [REDACTED] on my imprisonment at [REDACTED], dated 15 February 2024, reads as follows: “[REDACTED] He acknowledges his past and has insight into it.” [REDACTED].

Should I be granted early release, I intend to live in the Republic of Serbia, [REDACTED] house in Serbia.

I have tried to put as much effort as possible into the process of rehabilitation and resocialisation, to make as much progress as possible, and I believe that I have succeeded in this, because the Italian authorities have reduced my sentence by a total of 1,845 days and this sentence remission has been conditionally recognised by both the International Tribunal and the Mechanism. I would like to emphasise the position of President [REDACTED] presented in his Decision of 11 March 2021, Case No. MICT-14-63-ES, paragraph 31, which reads as follows: “Nevertheless, I do note that the factors underlying sentence remission decisions taken by an enforcement State may be used to evidence good behaviour and progress with regard to rehabilitation for the purposes of applications for pardon, commutation, or early release before the Mechanism,” and this is what I am doing on this occasion, citing the above-mentioned acknowledged sentence remission of 1,845 days. Further, I should point out that Patrick Robinson, the then President, in his Decision in the *Šantić* case (Case No. IT-95-16-ES) noted the following: “Although *Šantić* has not yet served two-thirds” at the time the Decision was issued “[h]e has also qualified, through work and good behaviour, for 302 days of “benefit”, which amounts to time off his sentence. When these 302 days of benefit are considered,” to which he is entitled based on the law of the enforcing state, “*Šantić* effectively completed two-thirds of his” sentence by the time this Decision was issued in the *Šantić* case. Decision in the *Šantić* case, para. 8.

The extent of my rehabilitation, resocialisation and remorse for the grave crimes committed is best described in paragraph 55 of the Decision of the President on Recognition of Commutation of Sentence, Remission of Sentence, and Early Release of Goran Jelisić, of 22 May 2017, issued by [REDACTED], President of the Mechanism for International criminal Tribunals, Case No. MICT-14-63-ES, where the President states

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the following: “**For the same reasons set out above, specifically that Jelisić's behaviour in detention has been appropriate and has not given rise to any disciplinary complaints, and that he expresses regret and shame for the crimes he committed, his current signs of rehabilitation likewise weighs in favour of early release.**”

5. SUBSTANTIAL COOPERATION WITH THE PROSECUTION

I wish to reiterate that I was transferred to the UN Detention Unit in The Hague on 22 January 1998. **As early as 9 September 1998**, my defence team, the Prosecution and I submitted a confidential submission - Agreed Factual Basis for Guilty Pleas to Be Entered by Goran Jelisić - to the Trial Chamber of the International Tribunal in the Hague, and this confidential submission is certainly included as evidence in my case file, Case No. IT-95-10-PT. The trial proceedings involved only one count of the indictment – genocide, to which I could not plead guilty as I believed that I did not commit it, and the Trial Chamber eventually acquitted me on this count of the indictment. **On 29 October 1998 I pleaded guilty** to 31 counts of the indictment for crimes against humanity and violations of the laws or customs of war.

I should mention that Judge [REDACTED], the /then/ President of the International Tribunal, in his decision of 28 May 2013, paragraph 33, Case No. IT-95-10-ES, stated the following: “Furthermore, there is nothing on the record to indicate that the Prosecution sought Jelisić's cooperation at any stage of the proceedings against him or after his conviction. The prosecution appears to acknowledge that Jelisić has provided *some* cooperation, but it denies that the cooperation was substantial.”

I wish to emphasise that, in my view, I cooperated with [REDACTED]. More specifically, while I was serving my sentence in the prison in Padua, the Republic of Italy, [REDACTED] paid me a three-day visit, and they brought a list [REDACTED] I had. Later on, this cooperation was taken to the level [REDACTED]. I should mention that these were [REDACTED] the International Tribunal in The Hague [REDACTED].

In addition, in paragraph 46 of the Decision of the President on Recognition of Commutation of Sentence, Remission of Sentence, and Early Release of Goran Jelisić, of 22 May 2017, issued by [REDACTED], President of the Mechanism for International criminal Tribunals, Case No. MICT-14-63-ES, the President states the following: “**I recall that Jelisić pleaded guilty to a majority of the crimes for which he was indicted, and that the entry of such a guilty plea by an accused constitutes a degree of cooperation with the Prosecution, as said plea beneficially impacts the efficient administration of justice. I therefore consider that Jelisić's cooperation, in this regard, is a factor that provides some support in favour of provisional recognition of Jelisić's sentence remission for which he is eligible under Italian law.**”

The extent of my cooperation with the relevant prosecutor's offices could have been neither larger nor smaller than stated above.

*Translation***6. PROPOSED DECISION**

In view of everything stated in this submission, I kindly ask the President of the Mechanism to consider my submission and, after having reviewed the collected information and any other data relevant to the decision, approve my application for early release, and – now that I have served two-thirds of the prison sentence imposed on me - grant me early release. I will accept any conditions imposed by the President of the Mechanism for the duration of my early release.

Yours respectfully,

[REDACTED], 27 September 2024

Application submitted by:

Goran Jelisić

/signed/



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

I - FILING INFORMATION / INFORMATIONS GÉNÉRALES

To/ À :	<input checked="" type="checkbox"/> IRMCT Registry/ Greffe du MIFRTP	<input type="checkbox"/> Arusha/ Arusha	<input checked="" type="checkbox"/> The Hague/ La Haye
From/ De :	<input type="checkbox"/> President/ Président	<input type="checkbox"/> Chambers/ Chambre	<input type="checkbox"/> Prosecution/ Bureau du Procureur
		<input type="checkbox"/> Defence/ Défense	<input checked="" type="checkbox"/> Registrar/ Greffier
			<input type="checkbox"/> Other/ Autre
Case Name/ Affaire :	Goran Jelusic		Case Number/ Affaire n° : MICT-14-63-ES
Date Created/ Daté du :	27 February 2025	Date transmitted/ Transmis le :	27 February 2025
		Number of Pages/ Nombre de pages :	18
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 :	Registrar's Submission of an Application for Early Release received from Goran Jelusic		
Classification Level/ Catégories de classification :	<input checked="" type="checkbox"/> Public/ Document public	<input type="checkbox"/> Ex Parte Defence excluded/ Défense exclue	<input type="checkbox"/> Ex Parte Prosecution excluded/ Bureau du Procureur exclu
	<input type="checkbox"/> Confidential/ Confidentiel	<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
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	<input type="checkbox"/> Order/ Ordonnance	<input checked="" type="checkbox"/> Submission from non-parties/ Écritures déposées par des tiers	<input type="checkbox"/> Affidavit/ Déclaration sous serment
		<input type="checkbox"/> Indictment/ Acte d'accusation	<input type="checkbox"/> Notice of Appeal/ Acte d'appel

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

<input checked="" type="checkbox"/> Translation not required/ La traduction n'est pas requise
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