

**UNITED
NATIONS**



**International Residual Mechanism
for Criminal Tribunals**

Case No.: MICT-13-46-ES.1

Date: 11 November 2024

Original English

THE PRESIDENT

Before: Judge Graciela Gatti Santana

Registrar: Abubacarr Tambadou

THE PROSECUTOR

v.

RADISLAV KRSTIC

Public

KRSTIC DEFENCE SUBMISSION

Office of the Prosecutor:
Mr. Serge Brammertz

Radislav Krstic:
Mr. Vladimir Petrovic

1. Pursuant to the Presidents's Order of 21 October 2024, the Defence files public redacted verion of "Krstic Defence Submission in Support of Early Release" filed on 24 June 2024 and public version of Krstic's letter of 18 June 2024.

Word count: 904

Respectfully submitted,



VLADIMIR PETROVIC
Pro bono Counsel

**UNITED
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**International Residual Mechanism
for Criminal Tribunals**

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Before: Judge Graciela Gatti Santana

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THE PROSECUTOR

v.

RADISLAV KRSTIC

Public with Public Annex

KRSTIC DEFENCE SUBMISSION IN SUPPORT OF EARLY RELEASE

Office of the Prosecutor:
Mr. Serge Brammertz

Radislav Krstic:
Mr. Vladimir Petrovic

1. On 19 January 2024, Radislav Krstic submitted his "Application for Early Release". On 10 June 2024, the Registry submitted two documents, a memorandum from the Deputy Medical Officer of the UNDU dated 18 April 2024 and a memorandum from the Commanding Officer of the UNDU dated 19 April 2024.
2. With this submission, Radislav Krstic provides his position on the documents he received on 10 June 2024 pursuant to paragraph 13 of the Practice Direction. Also, Radilsav Krstic encloses his statement of acceptance of responsibility and remorse.
3. In the submission of the Registry of 10 June 2024, it was stated that the President does not intend to collect any further information set out in Practice Direction since extensive information was collected and considered when adjudicating early release application in November 2022. Bearing that in mind, Radislav Krstic will not repeat here his allegations from the "Petition for Early Release" dated 21 April 2022 and "Written Submission in Support Petition for Early Release" dated 6 October 2022. Radislav Krstic stands by all the statements made in submissions during 2022 and hereby includes those statements in his pending application for early release.
4. Regarding the memorandums submitted by the Registry on 10 June 2024, Radislav Krstic declares that he accepts them in full without objection. Here, Radislav Krstic would like to thank everyone at UNDU for their highly professional treatment, for providing medical assistance and truly humane attitude towards him.
5. Radislav Krstic asks the President to take into account his impaired state of health as described in the memorandum of 18 April 2024. Krstic also asks that the Commanding officer's memorandum be taken into account, which convincingly describes Krstic's condition as a visibly aged man with increasing weakness caused by age and numerous medical and psychological issues as described in the submissions in detail.
6. Radislav Krstic is also attaching his statement from 18 June 2024, in which he fully accepts responsibility and expresses his remorse.

7. In a statement dated 18 June 2024, Krstic states in detail and comprehensively that he accepts his crimes. Krstic explicitly accepts that he is guilty of aiding and abetting genocide and accepts responsibility for other serious crimes for which he was convicted. Krstic's acceptance is precise and direct, it includes all the key elements of the judgments against him in the factual and legal sense. Krstic clearly, unequivocally and explicitly accepts that he was found guilty of aiding and abetting genocide.
8. In the decision of 15 November 2022, the President states that "the progress Krstic has made while in prison in Poland is encouraging".¹ The process of critical reflection at Krstic experienced its full expression since his return to UNDU in 2023.
9. Krstic accepts his responsibility for the genocide in Srebrenica in July 1995. Krstic is the first person before the ICTY to be convicted of genocide, and his acceptance has special weight and significance. In his letter dated 18 June 2024, Krstic addresses the public in the former Yugoslavia, accepts his guilt, and sends a message that is dramatic, sincere and poignant.
10. The fact that he making this statement at the moment when ICTY judgments are being challenged and denied, the fact that he is doing it at the moment when the UN General Assembly passes a resolution on Srebrenica which is based on the judgments in the case vs. Radislav Krstic gives special weight and importance to Krstic's expression of acceptance of responsibility and remorse.
11. Finally, in his letter dated 18 June 2024, Krstic kindly asks to be allowed to go to Potocari to express his deepest respect for the victims and his profound remorse. If Krstic's request is to be accepted, it would be an unprecedented gesture with strong repercussions on the peace and reconciliation process in the area of the former Yugoslavia.
12. Krstic cannot do more than what he is doing with his letter of 18 June 2024. Krstic was the first to be convicted of aiding and abetting genocide, and his words and actions have special weight in this issue.

¹ The President, Decision on the Application for Early Release of Radislav Krstic, 15 November 2022, para. 61

13. Finally, Radislav Krstic is ready to accept all conditions of early release set by the President if the request granted.
14. For all the reasons stated above, Radislav Krstic kindly asks the President to grant his request for early release.

Word count: 803

Respectfully submitted,



VLADIMIR PETROVIC
Pro bono Counsel

PUBLIC ANNEX

Certified Serbian to English Translation

A few days ago, the highest and the most important forum in the World, the General Assembly of the United Nations voted and adopted the Resolution on the Srebrenica genocide. With this Resolution, 11th of July was chosen as the victim remembrance day of the genocide in Srebrenica, any denial of the genocide is condemned, and all people are invited to mourn and remember the victims who must not be forgotten.

Most countries in the world voted for this Resolution, and even though I do not have the right to vote, I vote for this Resolution. I do not have the right to vote because my name is mentioned in this Resolution. My name is mentioned because I aided and abetted the genocide, my name is mentioned because I committed an unimaginable and unforgivable crime. I do not ask for forgiveness, I am not looking for justification; I do not seek understanding because I know that I cannot and will not receive them.

Every moment of every day, I think about the victims of the genocide in Srebrenica, I mourn them and pray for their souls. I know that the mother and sister of the innocent victim will not believe that these words are truthful; I also know that my words cannot ease the pain or the suffering that will never disappear. I am not expecting any of that, nor do I have the right to seek or ask for that.

I would love for my words to be read and understood by young people who live today in the areas where a country named Yugoslavia used to be. I would love for the people who will live there long after I am gone, and if these words somehow find their way to them, to stop and think – nevermore. No more war, no more death, because someone is of different religion, or different nation, or has different beliefs, no more genocide.

I would also love for all to understand that genocide cannot be committed by one nation, that there are no genocidal nations, but that the genocide in Srebrenica was committed by individuals, that they are the only ones to blame, that they should be held accountable for their deeds and misdeeds and that unfortunately I am one of them.

Here I point out that I accept the judgements of the Tribunal from 2001 and 2004, where it is established that the forces of the army to which I belonged committed genocide against Bosnian Muslims in Srebrenica in July 1995, that I helped and supported the genocide by knowing that some members of the Main Staff intended to commit the genocide, that I knew that the Main Staff did not have enough forces to carry out executions without the use of the forces of the Drina Corps and that I knew that the use of forces under my command would significantly contribute to the execution of Bosnian Muslim prisoners.

I aided and abetted the crime against humanity by participating in the joint criminal enterprise to forcibly remove the Bosnian Muslim civilians from Potočari in the period between 10th and 13th of July 1995 where I participated in creating a humanitarian crisis that preceded the forceful transfer of women, children and elderly from Srebrenica, in which I also participated, knowing that the civilians in Potočari were exposed to murder, rape, beatings and abuse.

I am writing this letter to the honourable Madame President of the Mechanism in the process of my request to be released after 26 years, after four countries and seven prisons where I served my sentence. Honourable Madame President will make her decision; I am convinced based on Right, Justice and the Law. I will accept that decision, whatever it may be, as I always have until now, without question, as an expression of Right and Justice. The decision of the Honourable Madam President may be positive because of my impaired health, age, and violence that I have survived at one point in the prisons where I was



Certified Serbian to English Translation

-serving my sentence. It may also be negative because I am guilty of a serious crime that cannot be forgiven, however, whatever the decision is, I ask that this letter of mine be made public, that my words be heard by as many people as possible in the country I am from, that maybe my words will, at least encourage someone to think about the terrible crime in which I participated, about the punishment that followed, about the deep, painful but belated regret that I have been living with for decades.

In the end, if I live, if one day I am released, if the Madame President of the Mechanism agrees with it, if the victims’ families allow it, I would like to be in Potočari one more time in my life, to bow to the victims and ask for forgiveness.

Respectfully,

Radislav Krstić

In The Hague

June 18th 2024

End of translation

I, the undersigned sworn-in court translator, according to the Decision of the Ministry of Justice of the Republic of Serbia, no. 740-06-197/2002-04 from 02.10.2002 certify hereby that this translation into English is fully true to the original text written in Serbian language.

Belgrade, 21 June 2024

*Milena Kovačević, Sworn- in Court translator
for English, Swedish and Slovenian, Belgrade*



Prije nekoliko dana, najviši i najvažniji forum na svijetu, Generalna skupština Ujedinjenih nacija, glasala je i usvojila Rezoluciju o genocidu u Srebrenici. Ovom Rezolucijom određen je 11. juli kao dan sjećanja na žrtve genocida u Srebrenici, osuđeno svako negiranje genocida i pozvani su svi ljudi da žale i pamte žrtve koje se ne smeju zaboraviti.

Za ovu Rezoluciju glasala je većina zemalja na svijetu, za ovu Rezoluciju glasom i ja iako nemam pravo glasa. Nemam pravo glasa jer se u ovoj Rezoluciji pominje i moje ime. Moje ime se pominje jer sam pomagao i podržao genocid. Moje ime se pominje jer sam počinio krivično djelo nezamislivo i neoprostivo. Ne tražim oprostaj, ne tražim opravdanje, ne tražim razumjevanje jer znam da ne mogu i da ne treba da ih dobijem.

Svakog trenutka, svakog dana, mislim na žrtve genocida u Srebrenici, želim ih i molim se za njihove duše. Vjerujem da majka i sestra nevino stradalog neće povjerovati

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da su ove riječi iskrene, znam da moje riječi ne mogu da ublaže bol, da ne mogu da umanje patnju koja nikada neće nestati. Ja to i neočekujem niti imam pravo da to tražim i molim.

Volio bih da moje riječi pročitaju i razumiju mladi koji danas žive na prostorima gdje je nekada bila zemlja koja se zvala Jugoslavija. Volio bih ljudi koji će zajedno živjeti na tim prostorima kada mene ne bude, ako do njih nekim čudom dođu ove riječi, da zastanu i pomisle - nikad više. Nikad više rat, nikad više smrt zbog toga što je neko druge vjere, druge nacije ili drugačijeg uvjerenja, nikad više genocid.

Volio bih da svi razumiju da genocid ne može da počinu jedan narod, da ne postoje genocidni narodi, već da su genocid u Srebrenici počinili pojedinci, da su jedino oni krivi, da za svoja djela i nedjela treba da odgovaraju i da sam nazalost i ja jedan od njih.

Ovdje ističem da prihvatom presude Tribunala iz 2001. i 2004 godine gdje se utvrđuje da su snage vojske kojoj sam pripadao počinile genocid protiv Bosnjaka u Srebrenici u julu 1995 godine, da sam ja pomogao i podržao genocid tako što sam znao da ~~glavni~~^{dao} neki članovi Glavnog štaba imaju namjeru da

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počine genocid, da sam znao da Glavni štab nema dovoljno svojih snaga da izvrši pogubljenja bez upotrebe snaga Drinskog korpusa i da sam znao da će upotreba snaga pod mojom komandom značajno olakšati da se izvrši egzekucija bošnjačkih zarobljenika.

Pomagao sam i podržao i zločin protiv čovječnosti kroz učesće u udruženom zločinačkom poduhvatu da se prisilno uklone bošnjački civili iz Potocara između 10. i 13. jula 1995. godine, gdje sam učestvovao u stvaranju humanitarne krize koja je prethodila prisilnom transferu žena djece i starijih iz Srebrenice, u čemu sam učestvovao znajući da su civili u Potocarima izloženi ubistvima, silovanjima, premlaćivanjima i zlostavljanjima.

Ovo pismo pišem poštujući Predsjednici Mehanizma u postupku koji se vodi po mom zahtjevu da posle 26 godina, posle četiri mjeseci i sedam zatvora u kojima sam održavao kaznu budem pušten na slobodu. Poštovana Predsjednica će donijeti svoju odluku, uvjeren sam na osnovu prava, pravde i zakona, tu odluku, kakva god bude, kao i uvijek do sada, prihvatiti bezpogovorno, kao izraz prava i pravde.

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Odluka poštovane Predsjednice može biti pozitivna zbog mog narušenog zdravlja, zbog mojih godina, zbog nasilja koje sam i ja preživio u jednom od zatvora u kojima sam izdržavao kaznu.

Može biti i negativna jer kriv sam za teško krivično djelo koje se ne oprašta. Međutim kakva god ona je odluka, molim da se ovo moje pismo javno objavi, da moje riječi čuje što više ljudi u zemlji iz koje sam, da možda moje riječi bar nekog podstaknu da razmisli o strašnom zločinu u kome sam učestvovao, o kazni koja je usledila, o dubokom, bolnom ali takasnjelom kajanju sa kojim živim već decenijama,

Na kraju, ako doživim, ako jednog dana budem pušten, ako se sa tim saglasi Predsjednica Mehanizma, ako to dopuste porodice žrtava, želio bih da se još jednom u životu nađem u potočarima, da se poklonim sjenima žrtava i zamolim za oprostaj.

S poštovanjem

RADISLAV KRSTIĆ

Radkrošić

U DEN HAGU

18. 06. 2024



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