

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-17-112-ES.2

Date: 7 March 2025

Original: English

THE PRESIDENT OF THE MECHANISM

Before: Judge Graciela Gatti Santana, President

Registrar: Mr. Abubacarr M. Tambadou

Decision of: 7 March 2025

PROSECUTOR

v.

JADRANKO PRLIĆ

PUBLIC REDACTED VERSION

**DECISION ON THE APPLICATION
FOR EARLY RELEASE OF JADRANKO PRLIĆ**

Counsel for Mr. Jadranko Prlić:

Mr. Steven Becker

1. I, Graciela Gatti Santana, President of the International Residual Mechanism for Criminal Tribunals (“President” and “Mechanism”, respectively), am seised of an application for early release filed by Mr. Jadranko Prlić on 7 March 2024 (“Prlić” and “Application”, respectively).¹

I. BACKGROUND

2. On 5 April 2004, Prlić voluntarily surrendered to the International Criminal Tribunal for the former Yugoslavia (“ICTY”).² At his initial appearance on 6 April 2004, Prlić pleaded not guilty to all charges against him.³

3. On 29 May 2013, Trial Chamber III of the ICTY (“Trial Chamber”) found Prlić guilty pursuant to Article 7(1) of the Statute of the ICTY (“ICTY Statute”) of numerous counts of grave breaches of the Geneva Conventions of 1949,⁴ violations of the laws or customs of war,⁵ and crimes against humanity,⁶ and sentenced him to 25 years of imprisonment.⁷

4. On 29 November 2017, the Appeals Chamber of the ICTY (“Appeals Chamber”), *inter alia*: (i) dismissed Prlić’s appeal in its entirety; (ii) reversed a number of Prlić’s convictions for certain crimes; (iii) affirmed the remainder of his convictions; and (iv) upheld the sentence of 25 years of imprisonment.⁸

5. On 4 April 2019, Prlić was transferred to the United Kingdom of Great Britain and Northern Ireland (“United Kingdom”) to serve the remainder of his sentence.⁹

6. On 23 March 2021, my predecessor denied Prlić’s first application for early release on the basis that Prlić had not reached the two-thirds eligibility threshold at that time and that no

¹ Jadranko Prlić’s Application for Early Release, 7 March 2024.

² *Prosecutor v. Jadranko Prlić et al.*, Case No. IT-04-74-T, Judgement, 29 May 2013 (English translation filed on 6 June 2014) (“Trial Judgement”), vol. 4, para. 1319, vol. 5, Annex 2, paras. 2, 33.

³ *Prosecutor v. Jadranko Prlić et al.*, Case No. IT-04-74-I, Transcript of 6 April 2004, p. 45. *See* Trial Judgement, vol. 5, para. 33.

⁴ Prlić was convicted of wilful killing, inhuman treatment, unlawful transfer of a civilian, unlawful deportation of a civilian, unlawful confinement of a civilian, extensive destruction of property not justified by military necessity, and extensive appropriation of property not justified by military necessity and carried out unlawfully and wantonly, as grave breaches of the Geneva Conventions. *See* Trial Judgement, vol. 4, paras. 278-279, 288, p. 430.

⁵ Prlić was convicted of plunder of public or private property, unlawful attack on civilians, unlawful infliction of terror on civilians, unlawful labour, and destruction or wilful damage done to institutions dedicated to religion or education, as violations of the laws or customs of war. *See* Trial Judgement, vol. 4, paras. 278-279, 288, p. 430.

⁶ Prlić was convicted of persecutions on political, racial and religious grounds, murder, rape, deportation, imprisonment, and other inhumane acts, as crimes against humanity. *See* Trial Judgement, vol. 4, paras. 278-279, 288, p. 430.

⁷ Trial Judgement, vol. 4, p. 430.

⁸ *Prosecutor v. Jadranko Prlić et al.*, Case No. IT-04-74-A, Judgement, 29 November 2017 (public with confidential Annex C) (“Appeal Judgement”), vol. 3, pp. 1400-1401.

⁹ *See* Decision on the Early Release of Jadranko Prlić, 23 March 2021 (“Decision of 23 March 2021”), p. 2; Order Designating State in Which Jadranko Prlić is to Serve his Sentence, 14 December 2018, p. 2.

compelling or exceptional circumstances had been provided which would have warranted granting him early release prior to having served two-thirds of his sentence.¹⁰

II. APPLICATION

7. On 7 March 2024, Prlić filed the Application, requesting to be granted early release after having served two-thirds of his sentence.¹¹ The Application indicates that Prlić would reside in [REDACTED], Republic of Croatia (“Croatia”), if released early.¹² It also contains a personal, public statement of Prlić (“Statement”).¹³

8. On 15 March 2024, I asked the Registry of the Mechanism (“Registry”) to take the steps foreseen in paragraphs 9(b) and 9(c) of the applicable Practice Direction (MICT/3/Rev.3).¹⁴ I further requested the Registry to, *inter alia*, obtain, as soon as possible, the information enumerated in paragraphs 10(a) through 10(c), and 10(e) of the Practice Direction (MICT/3/Rev.3).¹⁵

9. On 26 March 2024, I invited the authorities of Croatia to, *inter alia*, provide any views that they may wish to offer with regard to the Application and Prlić’s indication that he would reside in [REDACTED], Croatia, if released early, and indicate whether they would be willing to monitor any conditions imposed by the Mechanism in the event of an early release in this case, and give guarantees to this effect.¹⁶

10. On 11 April 2024, I received a *note verbale* from the Embassy of Croatia to the Kingdom of the Netherlands (“Netherlands”), conveying the requested information.¹⁷

¹⁰ Decision of 23 March 2021, pp. 4-5.

¹¹ Application, paras. 6, 36.

¹² Application, para. 34.

¹³ Application, Annex B.

¹⁴ Internal Memorandum from the President to the Registrar of the Mechanism (“Registrar”), dated 15 March 2024 (confidential) (“Memorandum of 15 March 2024”), para. 3. *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.3, 15 May 2020. I note that, on 1 July 2024, a revised version of the Practice Direction on this topic entered into force. *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 (“Practice Direction”). The revisions in the latest Practice Direction have no impact on the consideration of the Application and, unless otherwise indicated, reference will be made to the current version.

¹⁵ Memorandum of 15 March 2024, para. 4.

¹⁶ Invitation to the Republic of Croatia Related to the Application for Early Release of Jadranko Prlić, 26 March 2024 (confidential and *ex parte*), p. 2.

¹⁷ *Note Verbale* from the Embassy of Croatia to the Netherlands to the Mechanism, dated 11 April 2024, conveying a letter from the Minister of Justice and Public Administration of Croatia to the President, dated 8 April 2024 (“Letter of the Minister of Justice of Croatia of 8 April 2024”). The Letter of the Minister of Justice of Croatia of 8 April 2024 was filed confidentially and *ex parte* on the record on 18 April 2024.

11. On 24 April 2024, the Registrar transmitted to me a memorandum from the Office of the Prosecutor of the Mechanism (“Prosecution”), dated 19 April 2024, providing its comments and information in relation to the Application.¹⁸
12. On 21 May 2024, the Registrar communicated to me an overview of media reports concerning Prlić that have been published in the region of the former Yugoslavia since March 2022 and provided me with a list of victims’ associations in relation to the crimes for which Prlić was convicted.¹⁹
13. On 3 June 2024, I asked the Registry to invite relevant victims’ associations to submit their views on the Application if they so wished.²⁰
14. On 13 June 2024, the Registrar provided me with a strictly confidential memorandum from the Witness Support and Protection Unit of the Mechanism (“WISP”), conveying information related to the witnesses who provided evidence against Prlić or testified in his case.²¹
15. On 12 July 2024, I received a *note verbale* from the Embassy of the United Kingdom to the Netherlands, sharing the requested information.²²
16. On 5 August 2024, the Registrar communicated to me the responses received from five victims’ associations.²³

¹⁸ Internal Memorandum from the Registrar to the President, dated 24 April 2024 (confidential), *transmitting* Internal Memorandum from the Officer-in-Charge, Office of the Prosecutor, Hague branch, to the Officer-in-Charge, Registry, Hague branch, dated 19 April 2024 (confidential) (“Prosecution Memorandum”). The Prosecution Memorandum includes a list of victims’ associations and relevant media reports. *See* Prosecution Memorandum, Annexes A-B.

¹⁹ Internal Memorandum from the Registrar to the President, dated 21 May 2024 (confidential), *transmitting* Internal Memorandum from the Public Information Officer, Hague branch, to the Registrar, dated 21 May 2024.

²⁰ Internal Memorandum from the President to the Registrar, dated 3 June 2024 (confidential), paras. 2-4.

²¹ Internal Memorandum from the Registrar to the President, dated 13 June 2024 (strictly confidential), *transmitting* Internal Memorandum from the Head of WISP to the Registrar, dated 13 June 2024 (strictly confidential) (“WISP Memorandum”).

²² *Note Verbale* from the Embassy of the United Kingdom to the Netherlands to the Mechanism, dated 12 July 2024, *conveying* a letter from His Majesty’s Prison and Probation Service, Isle of Wight, dated 4 July 2024 and attachments (“Report from the United Kingdom”). The Report from the United Kingdom contains: (i) a summary and observations from the prison authorities, including extracts from Prlić’s prison records; (ii) a letter from the prison’s general practitioner concerning Prlić; (iii) the Statement; and (iv) a psychologist’s report on Prlić. I note that the authorities of the United Kingdom indicate that Prlić “is currently due to be released on 16th August 2031 at the latest”. *See* Report from the United Kingdom, Annex D, p. 33. According to the Mechanism’s calculations, Prlić will have fully served his sentence by 16 August 2032.

²³ Internal Memorandum from the Registrar to the President, dated 5 August 2024 (confidential), para. 4, *transmitting* a letter from the President of the Association of Camp Inmates of Bosnia and Herzegovina to the Registry, dated 5 July 2024 (“Association of Camp Inmates Letter”); a letter from the Association of the Victims and Witnesses of Genocide to the Registry, dated 16 July 2024 (“Association of Victims and Witnesses of Genocide Letter”); a letter from the President of the Management Board of the Association of Prison Camp Inmates, City of Mostar, to the Registry, dated 16 July 2024 (“Association of Camp Inmates Mostar Letter”); an email communication from the Board of Parents of the Bosnia and Herzegovina Army Members “Vranica” Mostar to the President, dated 16 July 2024 (“Vranica Email”); and a letter from the President of the Association of Civilian Victims of War – Mostar to the Mechanism, dated 16 July 2024 (“Association of Civilian Victims of War Letter”).

17. On 26 September 2024, I requested the Registrar, in accordance with paragraph 12 of the Practice Direction, to communicate to Prlić, in a language that he understands, selected material collected in the context of the Application.²⁴

18. On 10 December 2024, Prlić filed submissions regarding the material transmitted to him in relation to the Application.²⁵

19. With regard to the Application, I have consulted with Judge Jean-Claude Antonetti, Judge Carmel Agius, and Judge Liu Daqun in their capacity as Judges of the sentencing Chambers,²⁶ in accordance with Rule 150 of the Rules of Procedure and Evidence of the Mechanism (“Rules”) and paragraph 16 of the Practice Direction.

III. APPLICABLE LAW

20. 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.

21. 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 before it, does not specifically mention requests for early release of convicted persons, the Rules reflect the President’s power to deal with such requests and the longstanding practice of the ICTR, the ICTY, and the Mechanism in this regard.

22. Rule 150 of the Rules provides that the President shall, upon receipt of a direct petition from the convicted person, determine, in consultation with any Judges of the sentencing Chamber who are Judges of the Mechanism, whether pardon, commutation of sentence, or early release is appropriate.

23. 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

²⁴ Internal Memorandum from the President to the Registrar, dated 26 September 2024 (confidential), para. 2. The material was sent to Prlić on 15 November 2024, and he received it on 30 November 2024.

²⁵ Jadranko Prlić’s Submissions Pursuant to Paragraph 13 of the Practice Direction on the Procedure for the Determination of Applications for Pardon, Commutation of Sentence, or Early Release, 10 December 2024 (“Comments”).

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.

24. Paragraph 5 of the Practice Direction provides that a convicted person may apply directly to the President for pardon, commutation of sentence, or early release, if he or she believes that he or she is eligible.

25. Paragraph 10 of the Practice Direction indicates that the President may collect information, directly or through the Registry, 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.

26. 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.

27. The enforcement agreement between the United Nations and the United Kingdom,²⁷ which applies *mutatis mutandis* to the Mechanism,²⁸ provides in Article 3(2) that the conditions of imprisonment shall be governed by the law of the United Kingdom, subject to the supervision of the Mechanism. It further states, in Article 8, that the President shall determine, in consultation with the Judges of the Mechanism, whether any early release, pardon, or commutation of sentence is appropriate.

²⁶ See generally Trial Judgement; Appeal Judgement.

²⁷ Agreement Between the United Nations and the Government of the United Kingdom of Great Britain and Northern Ireland on the Enforcement of Sentences of the International Criminal Tribunal for the Former Yugoslavia, 11 March 2004.

²⁸ See Security Council Resolution 1966 (2010), 22 December 2010, para. 4.

IV. ANALYSIS

A. Eligibility

28. 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 direct petition by the convicted person or a notification from the relevant enforcement State.²⁹ Further, serving two-thirds of a sentence has been described by the Mechanism’s jurisprudence as being “in essence, an admissibility threshold”.³⁰

29. Prlić served two-thirds of his sentence in April 2024³¹ and is therefore eligible to be considered for early release.

B. General Standards for Granting Early Release

30. 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.³² 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.³³ In this regard, the mere passage of time cannot constitute sufficient grounds for early release.³⁴

²⁹ *Prosecutor v. Dragomir Milošević*, Case No. MICT-16-98-ES, Decision on the Application for Early Release of Dragomir Milošević, 13 December 2024 (public redacted) (“*Milošević Decision*”), para. 28; *Prosecutor v. Sredoje Lukić*, Case No. MICT-13-52-ES.2, Decision on the Application for Early Release of Sredoje Lukić, 17 October 2024 (public redacted) (“*Lukić Decision*”), para. 31; *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.

³⁰ *Milošević Decision*, para. 28; *Lukić Decision*, para. 31; *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.

³¹ Decision of 23 March 2021, pp. 4-5.

³² *Prosecutor v. Radislav Krstić*, Case No. MICT-13-46-ES.1, Decision on the Application for Early Release of Radislav Krstić, 3 February 2025 (public redacted) (“*Krstić Decision of 3 February 2025*”), para. 27; *Milošević Decision*, para. 30; *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.

³³ *Krstić Decision of 3 February 2025*, para. 27; *Milošević Decision*, para. 30; *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.

³⁴ *Krstić Decision of 3 February 2025*, para. 27; *Milošević Decision*, para. 30; *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.

1. Gravity of Crimes

31. In my opinion, the early release of persons convicted by the ICTR, the ICTY, or the Mechanism for genocide, crimes against humanity, or war crimes should be exceptional.³⁵

32. In relation to the gravity of crimes, past decisions have established that: (i) as a general rule, a sentence should be served in full given the gravity of the crimes within the jurisdiction of the ICTR, the ICTY, and the Mechanism, unless it can be demonstrated that a convicted person should be granted early release; (ii) while the gravity of the crimes is not the only factor in assessing an early release application pursuant to Rule 151 of the Rules, it is nevertheless a factor of fundamental importance; (iii) the graver the criminal conduct in question, the more compelling a demonstration of rehabilitation should be; and (iv) while the gravity of the crimes cannot be seen as depriving a convicted person of an opportunity to argue his or her case, it may be said to determine the threshold that the arguments in favour of early release must reach.³⁶

33. As set out above, Prlić was found guilty pursuant to Article 7(1) of the ICTY Statute of numerous counts of grave breaches of the Geneva Conventions of 1949, violations of the laws or customs of war, and crimes against humanity.³⁷

34. According to the findings of the Trial Chamber and the Appeals Chamber, as early as mid-January 1993, a joint criminal enterprise (“JCE”) had come into existence, aimed at creating a Croatian entity in Bosnia and Herzegovina that would reconstitute earlier borders and facilitate the reunification of the Croatian people.³⁸ This JCE had as its common criminal purpose the domination by Croats through ethnic cleansing of the Muslim population.³⁹ The members of this JCE were found to have implemented “an entire system for deporting the Muslim population of the [Croatian Republic of Herceg-Bosna (“HR H-B”)] consisting of the removal and placement in detention of civilians, of murders and the destruction of property during attacks, of mistreatment and devastation caused during eviction operations, of mistreatment and poor conditions of confinement as well as the widespread, nearly systematic use of detainees on the front lines for labour or even to serve as human shields, as well as murders and mistreatment related to this labour and these shields, and, lastly, the removal of detainees and their families outside of the territory of

³⁵ *Milošević* Decision, para. 31; *Lukić* Decision, para. 34; *Krstić* Decision of 15 November 2022, para. 33.

³⁶ *Milošević* Decision, para 32; *Lukić* Decision, para. 35; *Prosecutor v. Radivoje Miletić*, Case No. MICT-15-85-ES.5, Decision on the Early Release of Radivoje Miletić, 5 May 2021 (public redacted), para. 39.

³⁷ *See supra* paras. 3-4.

³⁸ Appeal Judgement, vol. 2, para. 782; Trial Judgement, vol. 4, paras. 24, 41, 43-44.

³⁹ Appeal Judgement, vol. 2, para. 791; Trial Judgement, vol. 4, para. 41. *See* Trial Judgement, vol. 4, paras. 65-66.

the [Croatian Community and Republic of Herceg-Bosna (“HZ(R) H-B”)] once they were released”.⁴⁰

35. The Trial Chamber and the Appeals Chamber concluded that Prlić was a “principal member” of this JCE and significantly contributed to it from January 1993 to April 1994.⁴¹ In particular, Prlić, as the President of the Croatian Defence Council (“HVO”) and later the President of the Government of the HR H-B, was found to have played a key role in the commission of crimes by virtue of his functions and powers, and abused his authority in order to facilitate the crimes by using the resources at his disposal for their implementation.⁴² More specifically, Prlić “planned, facilitated and encouraged” crimes committed by HVO members, “supported the policy of moving Muslim detainees and their families outside the HZ(R) H-B”, and “knowingly turned a blind eye to the crimes” and “increasingly violent ethnic cleansing operations conducted by the HVO against the Muslim population”.⁴³ Further, Prlić intended to implement the common criminal purpose and shared with the other members of the JCE a discriminatory intent to expel the Muslim population from the HZ(R) H-B.⁴⁴

36. Prlić acknowledges the gravity and seriousness of the crimes for which he was convicted.⁴⁵ In this regard, I note that the Trial Chamber determined that the crimes for which it convicted Prlić and his co-accused constituted a large-scale attack across eight municipalities in Bosnia and Herzegovina over approximately one-and-a-half years, from autumn 1992 to early 1994, resulting in “thousands of victims”.⁴⁶ The Trial Chamber highlighted the “scale and brutality of the crimes” and the “inherent nature of the offences” as evidence of their extreme seriousness.⁴⁷ It further observed that many victims were particularly vulnerable, suffering physical and mental harm, with numerous individuals losing their lives, family members, and property.⁴⁸ Likewise, in upholding Prlić’s sentence despite the reversals of a number of convictions, the Appeals Chamber reaffirmed that he remained convicted of “very serious crimes”.⁴⁹

37. In light of the above, there is no doubt as to the high gravity of Prlić’s crimes. Accordingly, I am of the view that this factor weighs strongly against his early release.

⁴⁰ Trial Judgement, vol. 4, para. 66. *See* Trial Judgement, vol. 3, paras. 645-648; Trial Judgement, vol. 4, para. 68.

⁴¹ Trial Judgement, vol. 4, paras. 271-276, 1225, 1230.

⁴² Appeal Judgement, vol. 1, para. 4; Trial Judgement, vol. 4, paras. 270, 1318.

⁴³ Trial Judgement, vol. 4, paras. 271-273, 275.

⁴⁴ Appeal Judgement, vol. 2, para. 1400; Trial Judgement, vol. 4, para. 276.

⁴⁵ Comments, para. 10; Application, para. 11.

⁴⁶ Trial Judgement, vol. 4, para. 1297.

⁴⁷ Trial Judgement, vol. 4, para. 1302. *See* Trial Judgement, vol. 4, para. 1306.

⁴⁸ Trial Judgement, vol. 4, paras. 1304-1305. *See* Trial Judgement, vol. 4, para. 1303.

⁴⁹ Appeal Judgement, vol. 3, para. 3360.

2. Treatment of Similarly-Situated Prisoners

38. When considering the treatment of similarly-situated prisoners, decisions on early release have emphasised that persons sentenced by the ICTY, like Prlić, are considered “similarly-situated” to all other prisoners under the Mechanism’s supervision.⁵⁰ The eligibility threshold of having served two-thirds of the sentence applies to all convicted persons serving a sentence under the Mechanism’s supervision.⁵¹

39. As previously noted, having passed this two-thirds threshold in April 2024,⁵² Prlić is indeed eligible to be considered for early release.

3. Demonstration of Rehabilitation

40. A decision on whether to grant an early release application is taken by the President on the basis of the interests of justice and the general principles of law, having regard, *inter alia*, to the criteria specified in Rule 151 of the Rules.⁵³ The prisoner’s demonstration of rehabilitation is just one factor to be considered when deciding upon such an application.⁵⁴

41. Before turning to an individualised assessment of Prlić’s demonstration of rehabilitation, I note that the Mechanism’s jurisprudence expands upon certain elements pertaining to whether a convicted person has demonstrated rehabilitation under Rule 151 of the Rules, and I find it appropriate to set this out here.⁵⁵

42. 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

⁵⁰ *Milošević* Decision, para. 39; *Lukić* Decision, para. 44; *Bisengimana* Decision, paras. 16-17.

⁵¹ *See supra* para. 28.

⁵² *See supra* para. 29.

⁵³ *See supra* paras. 23, 26.

⁵⁴ *See supra* para. 23.

⁵⁵ *Milošević* Decision, para. 43; *Lukić* Decision, para. 46; *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”), paras. 37-41.

positive assessment of a convicted person's prospects to successfully reintegrate into society.⁵⁶ This is a non-exhaustive list and convicted persons are not expected to fulfil all of these indicators in order to demonstrate rehabilitation.⁵⁷

43. 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.⁵⁸ Given that genocide, 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.⁵⁹

44. Turning to the extent to which Prlić has demonstrated rehabilitation, I note that the most probative materials before me are: (i) the Application, including the Statement; and (ii) the Report from the United Kingdom.

(a) Behaviour in Prison

45. Good behaviour in prison is the very minimum to be expected of a convicted person while serving his or her sentence.⁶⁰ In my opinion, such good behaviour cannot on its own demonstrate rehabilitation of a person convicted for some of the most heinous international crimes.⁶¹

46. According to the Report from the United Kingdom, Prlić has displayed "exemplary behaviour and attitudes towards [...] staff [and] other prisoners".⁶² He is "polite", "respectful", and has never received a "[n]egative [b]ehaviour [w]arning".⁶³ He has reportedly also acted as "peacekeeper" should conflict between other prisoners occur.⁶⁴ Furthermore, Prlić attends a "weekly creative writing class", plays music during the weekly Catholic Service, and is employed in the prison library.⁶⁵

47. Based on the available information, Prlić's behaviour in prison has been very good and, as such, merits commendation. However, as set out above, good behaviour in prison cannot on its own

⁵⁶ *Krstić* Decision of 3 February 2025, para. 29; *Milošević* Decision, para. 44; *Bralo* Decision, para. 39 and references cited therein.

⁵⁷ *Krstić* Decision of 3 February 2025, para. 29; *Milošević* Decision, para. 44; *Bralo* Decision, para. 39.

⁵⁸ *Krstić* Decision of 3 February 2025, para. 30; *Milošević* Decision, para. 45; *Bralo* Decision, para. 38.

⁵⁹ *Krstić* Decision of 3 February 2025, para. 30; *Milošević* Decision, para. 45; *Bralo* Decision, para. 38.

⁶⁰ *Krstić* Decision of 3 February 2025, para. 31; *Milošević* Decision, para. 46; *Krstić* Decision of 15 November 2022, para. 49.

⁶¹ *Krstić* Decision of 3 February 2025, para. 31; *Milošević* Decision, para. 46; *Bralo* Decision, para. 38.

⁶² Report from the United Kingdom, p. 4. *See also* Report from the United Kingdom, p. 8.

⁶³ Report from the United Kingdom, p. 4.

⁶⁴ Report from the United Kingdom, p. 4.

⁶⁵ Report from the United Kingdom, p. 4.

demonstrate rehabilitation of a person convicted for some of the most heinous international crimes.⁶⁶ 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

48. 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.⁶⁷

49. 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.⁶⁸ 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.⁶⁹ Tangible evidence of rehabilitation is indeed a crucial aspect, which helps to differentiate genuine expressions of remorse or regret from more opportunistic ones.⁷⁰

50. Prlić submits that he accepts the final judgement in his case.⁷¹ More specifically, he “accepts that [...] crimes have been committed during the BH Croat-Muslim armed conflict 1992-94, as found in the judgements”.⁷² He also “accepts his personal responsibility for the crimes he was convicted for” and “deeply regrets his personal role in the commission of those crimes through his acts or omissions”.⁷³ Further, Prlić “accepts his sentence” and “expresses his sincere remorse and deep condolences to the victims of Muslim/Bosniak ethnicity and their relatives”.⁷⁴

⁶⁶ See *supra* para. 45.

⁶⁷ *Krstić* Decision of 3 February 2025, para. 37; *Milošević* Decision, para. 52; *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.

⁶⁸ *Krstić* Decision of 3 February 2025, para. 38; *Milošević* Decision, para. 53; *Krstić* Decision of 15 November 2022, para. 61.

⁶⁹ *Krstić* Decision of 3 February 2025, para. 38; *Milošević* Decision, para. 53; *Krstić* Decision of 15 November 2022, para. 61.

⁷⁰ *Krstić* Decision of 3 February 2025, para. 38; *Milošević* Decision, para. 53; *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.

⁷¹ Application, para. 12.

⁷² Application, para. 12.

⁷³ Application, para. 12.

⁷⁴ Application, para. 12.

51. In the Statement, Prlić writes:

I am aware that my statements will probably encounter misunderstanding and rejection, even among the members of the nation to which I belong. I am also aware that many will question and doubt my motives. However, it is not hard for me to accept this burden because I must and want to do this. Out of piety and compassion for the victims. For Bosnia and Herzegovina and its future. Finally, I do this for myself and my conscience, so I could as a human being, despite all, continue to live.

There are truths that are the most difficult to admit to oneself. For a long time I denied my personal responsibility for the crimes committed against BH Muslims/Bosniaks during the HVO – ABiH armed conflict 1992-94. Even after the ICTY Appeals Chamber rejected my Appeal and confirmed the first instance judgement. I even considered a possible request for review of the judgement. After my arrival to the HMP Isle of Wight in April 2019 I began to analyse my judgements in detail. This lasted several months. I read my judgements several times, with an open mind and heart. I began to read those judgements and to see myself and my role in the crimes committed through the eyes of the victims, my countrymen of Muslim/Bosniak ethnicity. Through the eyes of those who suffered the consequences of my decisions, my acts and omissions. Solitude of prison life also contributed to this process of self-reflection.

[...]

What I can talk about is the result of this process of self-reflection. And the result is my acceptance of my personal responsibility for the crimes I was convicted and my remorse for my acts and omissions that caused or contributed to those crimes. I accept my judgement and my role in the crimes I was convicted for. I accept my personal responsibility for the crimes committed because of my acts and omissions and I express deep remorse and sincere regret for that to all victims of Muslim/Bosniak ethnicity and their families. My role as one of the HZ/HR Herceg-Bosna leaders and my personal responsibility are described and elaborated in detail in the judgements that have been published and available to all. Everyone can read those judgements. I accept factual findings concerning the crimes committed contained in those judgements, as well as the JCE forms of liability pursuant to which I was convicted. I accept my guilt. I cannot ask forgiveness. I cannot forgive to [sic] myself. With this insight and with this burden I have been living for the last several years. It will remain so until the end of my life.

[...]

I did not deny the crimes committed by the HVO against Bosniak population. I expressed my regret for that on multiple occasions. Those expressions of regret were sincere. But something essential was missing – awareness of my own role and recognition of my personal responsibility for those crimes. Mechanisms of suppression and denial were too strong in my life circumstances at the time. I found excuses and justifications in the war circumstances, in my limited powers, in the crimes of the other side, in the national interests and aims ... Fear of the possible negative consequences for my family and myself, but also the shame, contributed to the suppression and denial of my personal responsibility.⁷⁵

⁷⁵ Statement, pp. 1-2.

52. In the Report from the United Kingdom, the prison authorities note a number of other statements of Prlić that are relevant to assessing his rehabilitation. For example, Prlić stated that he “recognises that he requires punishment for his joint enterprise in ethnic cleansing and that this ‘is the price [he] must pay to society’”.⁷⁶ Prlić told the prison authorities that he “feels he failed in his attempt to achieve a united state that was inclusive of both Bosniak Muslims and Croats” and that he remained in the government because he believed that “things would deteriorate further if he left”.⁷⁷ Prlić reportedly added that “because of the nature of war social conventions collapsed and people behaved in ways they would not normally” and “a lot of the anti-Muslim sentiment was driven by Croats who had lived isolated lives in the country”.⁷⁸

53. The prison authorities further convey that Prlić believes that he did not have “sufficient authority at the time to prevent the crimes”, but also expressed that he was “the person at the ‘top of government’” with “overall responsibility for the ethnic cleansing”.⁷⁹ In fact, Prlić “oscillated between stating that at the time he did not believe he had the authority or power to intervene and prevent the ethnic cleansing, and stating that he feels responsible and wishing that he had done more, without being able to describe what more he could have done”.⁸⁰

54. The prison authorities also report that Prlić stated that he has “no negative feelings towards [Muslims] as a group” and described how “he set up an institute to find missing people using the latest forensic techniques, and reunite them with family, so that they could achieve closure”.⁸¹ He further indicated that he “apologised at the time for the treatment of the Muslim population” and that he “recently attended the festival of Eid where he apologised to those present for the behaviour of the Croats towards the Muslim Bosniaks, that may have been carried out in his name”.⁸² Prlić reportedly tried to not “experience much emotion” and to “stay busy and occupied as otherwise his everyday guilt and negative thoughts about the offences would be too much to cope with”.⁸³

55. The Statement is significant, as it represents a public declaration, acknowledging the historical facts established by the ICTY. As such, it has the potential to promote reconciliation and counter the forces of denial and historical revisionism, thereby contributing to the important legacy of the ICTY. However, in order for the Statement to meaningfully weigh in favour of Prlić’s early release, I must be convinced of the sincerity of his words. Moreover, in order to assess Prlić’s

⁷⁶ Report from the United Kingdom, Annex D, p. 36.

⁷⁷ Report from the United Kingdom, Annex D, p. 37.

⁷⁸ Report from the United Kingdom, Annex D, pp. 37-38.

⁷⁹ Report from the United Kingdom, Annex D, p. 37.

⁸⁰ Report from the United Kingdom, Annex D, p. 38.

⁸¹ Report from the United Kingdom, Annex D, p. 38.

⁸² Report from the United Kingdom, Annex D, pp. 38-39.

genuineness, I have considered the timing of the Statement and any other actions he has taken. I have also considered the descriptions provided by the prison authorities with regard to his rehabilitation process.

56. I am mindful of the strong incentive for general statements about past crimes and remorse to be made opportunistically by convicted persons for the purpose of supporting applications for early release. The fact remains that words are just that – words – and their sincerity must be judged by analysing the overall context in which they were made, assessing whether they are reflected in concrete and verifiable actions taken by the convicted person, and considering the timing of such actions.

57. While Prlić makes important acknowledgements, his words often remain general, lacking elaboration. It is telling in this respect that Prlić states that his role and personal responsibility “are described and elaborated in detail in the judgements that have been published and [are] available to all” and that “[e]veryone can read those judgements”.⁸⁴ Such generic references, as opposed to a more precise acknowledgement of his role, state of mind, and the crimes for which he was found responsible, as well as the specific pain of the victims of his crimes and their families, do not contribute to demonstrating genuine reflection of his crimes. The lack of true critical reflection is also demonstrated by Prlić’s contradictory statements on his role and power during the conflict, with the prison authorities remarking that he oscillates between stating that he had no authority and saying he was at the “top of government” and wished he had done more. In particular, Prlić’s tendency to minimise his authority during the conflict, while at the same time acknowledging he held a senior position of responsibility, seems at odds with the full weight of his actions. Lastly, statements such as “because of the nature of war social conventions collapsed and people behaved in ways they would not normally” and “a lot of the anti-Muslim sentiment was driven by Croats who had lived isolated lives in the country” leave me with the lingering impression that Prlić still seeks to distance himself from the crimes committed or to present justifications.

58. Moreover, while I am aware that Prlić is deprived of freedom and, as such, may be limited in what he can be expected to do, I find it telling that the Report from the United Kingdom is conspicuously thin on information related to any activities which may assist Prlić’s rehabilitative process and could have lent more credence to the genuineness of the words in the Statement. For example, Prlić’s purported efforts in setting up an “institute to find missing people” or seeking forgiveness at an Eid celebration, while notable, are not developed in his submissions or

⁸³ Report from the United Kingdom, Annex D, p. 38.

⁸⁴ Statement, pp. 1-2.

substantiated by tangible evidence or further elaboration on their scope and impact. These efforts could persuade me that he is not indifferent to the victims of his crimes, yet the absence of verifiable details about these activities weakens the case for a sincere commitment to reconciliation.

59. I have also considered Prlić's submissions regarding his post-conflict conduct in fostering reconciliation.⁸⁵ I note that, at trial, several international figures deemed credible by the Trial Chamber attested to Prlić's efforts in promoting reconciliation and resolving inter-ethnic problems and the fact that he was "an essential political actor for the international community".⁸⁶ This conduct, demonstrated through concrete actions rather than mere words, lends credibility to the sincerity of the Statement. However, as this conduct was already considered as a mitigating factor by the Trial Chamber⁸⁷ and occurred over 25 years ago, it is not compelling evidence of contemporary rehabilitation that would justify granting early release.

60. In conclusion, Prlić's general acceptance of responsibility for his crimes does not sufficiently demonstrate critical reflection or genuine remorse. His self-reflection appears incomplete, and his expressions of remorse have not yet been substantiated by tangible evidence of rehabilitation. Although there have been some positive steps in his rehabilitation process, until he can provide clear, concrete indicators of his introspection and progress beyond verbal assertions, his claims remain largely unverified. I encourage him to continue engaging with the prison authorities in a sustained process of self-examination and rehabilitation, so that his contemporary commitment to substantive change can be more clearly established.

(c) Mental State and Prospects of Successful Reintegration into Society

61. Prlić submits that, during the period of his imprisonment, he has maintained close family ties with his family and has regular contact with them.⁸⁸ His family provides "valuable emotional support", which will help his reintegration into Croatian society, if released early.⁸⁹ He further submits that there is not the slightest risk of him reoffending, nor does he pose any danger or threat to any person or to public order or safety, either in Croatia or Bosnia and Herzegovina.⁹⁰ If released early, Prlić would live in [REDACTED], Croatia, and would be able to provide support for his

⁸⁵ Application, paras. 22-23, 25-26.

⁸⁶ Trial Judgement, vol. 4, para. 1322.

⁸⁷ Trial Judgement, vol. 4, para. 1322.

⁸⁸ Application, para. 32.

⁸⁹ Application, para. 32.

⁹⁰ Application, para. 33.

livelihood through a pension.⁹¹ Lastly, he pledges that he would accept and respect any conditions imposed upon him as part of his early release.⁹²

62. According to the prison authorities, Prlić has [REDACTED].⁹³ They confirm that Prlić has maintained a good level of family contact while in detention.⁹⁴ Upon release, Prlić reportedly intends to engage with “cultural events such as art and [...] theatre” and [REDACTED].⁹⁵ Prlić further stayed in contact with friends outside of prison and receives three daily newspapers from Croatia and Bosnia and Herzegovina, so that he continues to feel connected to the country he plans to return to upon his release.⁹⁶

63. I consider that Prlić’s submissions on his close family ties and his willingness to 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

64. Prlić has shown good behaviour in prison and taken positive steps in his rehabilitative process. However, after reviewing all the information before me, I am of the view that Prlić has not yet reached a level of rehabilitation sufficient to merit early release. I encourage him to continue engaging with the rehabilitation process and in ways that provide concrete evidence of his commitment to it.

4. Substantial Cooperation with the Prosecution

65. The Prosecution submits that Prlić made himself available for a suspect interview in 2001; however, the Trial Chamber did not consider this cooperation as a mitigating circumstance.⁹⁷ The Prosecution argues that his cooperation should not be awarded any weight.⁹⁸

66. Prlić does not dispute that the Trial Chamber did not take into account his cooperation as a mitigating circumstance, but requests that it be given positive consideration in the context of ruling on the Application.⁹⁹

⁹¹ Application, para. 34.

⁹² Comments, para. 12; Application, para. 35.

⁹³ Report from the United Kingdom, Annex C, p. 30.

⁹⁴ Report from the United Kingdom, p. 5.

⁹⁵ Report from the United Kingdom, Annex D, pp. 40-41.

⁹⁶ Report from the United Kingdom, Annex D, p. 41.

⁹⁷ Prosecution Memorandum, para. 14.

⁹⁸ Prosecution Memorandum, para. 14.

⁹⁹ Application, paras. 15-20.

67. Voluntarily submitting to a suspect interview indicates a degree of cooperation with the Prosecution, as it may assist the efficient administration of justice.¹⁰⁰ However, this single instance of cooperation cannot be deemed “substantial” and Prlić has not demonstrated any subsequent instances of cooperation with the Prosecution while serving his sentence. As a result, I do not consider it appropriate to attach any weight to Prlić’s cooperation with the Prosecution in my assessment of the Application.

C. Other Considerations

1. Comments and Information Provided by the Prosecution

68. 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.¹⁰¹ 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.¹⁰²

69. The Prosecution concedes that Prlić has made important progress towards rehabilitation but submits that he has not demonstrated that early release is warranted in his case.¹⁰³ Specifically, the Prosecution argues that Prlić’s expressions of remorse and acceptance of responsibility remain general and vague, without critical articulation and elaboration.¹⁰⁴ According to the Prosecution, Prlić’s post-war conduct in support of peace plans was already considered by the Trial Chamber in mitigation and, in the absence of further efforts towards reconciliation, should not weigh in favour of his early release.¹⁰⁵

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

¹⁰⁰ *Prosecutor v. Dragoljub Kunarac*, Case No. MICT-15-88-ES.1, Decision on the Application for Early Release of Dragoljub Kunarac, 22 July 2024, para. 72.

¹⁰¹ *Krstić* Decision of 3 February 2025, para. 63; *Milošević* Decision, para. 67; *Bralo* Decision, para. 69.

¹⁰² *Krstić* Decision of 3 February 2025, para. 63; *Milošević* Decision, para. 67; *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.

¹⁰³ Prosecution Memorandum, paras. 2, 9, 24.

¹⁰⁴ Prosecution Memorandum, para. 11.

¹⁰⁵ Prosecution Memorandum, para. 12.

2. Views of Croatia

71. The Croatian Minister of Justice [REDACTED].¹⁰⁶

72. I have taken note of Croatia's [REDACTED].

3. Impact on Victims and Witnesses

73. WISP observes that the early release of a convicted person may impact victims and witnesses in different ways.¹⁰⁷ 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.¹⁰⁸ Other 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 ICTY's convictions.¹⁰⁹

74. WISP reviewed 308 surviving witnesses relevant to Prlić's case.¹¹⁰ Those residing in Croatia were deemed as "not vulnerable" and have not reported security concerns.¹¹¹ WISP also reviewed witnesses residing in Bosnia and Herzegovina, given that Prlić retains family and business-related connections in parts of Bosnia and Herzegovina where his crimes took place.¹¹² Some of the witnesses residing in Bosnia and Herzegovina were deemed as "vulnerable", but any reported concerns were addressed by the WISP or local authorities.¹¹³

75. Furthermore, the Association of Camp Inmates of Bosnia and Herzegovina opposes the Application, stating that Prlić was "one of those most responsible for the horrendous crimes systematically committed in the period from 1992 until 1995 in the territory controlled by the civilian and military authorities subordinated to him" and has "no feelings of regret or remorse for the numerous crimes of which he was convicted".¹¹⁴

¹⁰⁶ Letter of the Minister of Justice of Croatia of 8 April 2024, p. 1.

¹⁰⁷ WISP Memorandum, para. 17.

¹⁰⁸ WISP Memorandum, para. 17.

¹⁰⁹ WISP Memorandum, para. 17.

¹¹⁰ WISP Memorandum, para. 4.

¹¹¹ WISP Memorandum, para. 12.

¹¹² WISP Memorandum, paras. 7, 18.

¹¹³ WISP Memorandum, paras. 13-15.

¹¹⁴ Association of Camp Inmates Letter, pp. 1-2.

76. The Association of the Victims and Witnesses of Genocide objects to Prlić's early release, submitting that he "has never shown sincere remorse for his acts" and questioning the timing of the Statement.¹¹⁵

77. The Association of Prison Camp Inmates, City of Mostar, opposes the Application, highlighting the crimes committed by Prlić and submitting that Prlić "created" and "assiduously implemented" the plan for the establishment of the HZ(R) H-B by, *inter alia*, signing an order on the establishment of concentration camps for all those who did not subscribe to the concept of the new republic, and based primarily on the "ethnic principle".¹¹⁶ It also states that Prlić's behaviour following the crimes and in detention is purely opportunistic to secure early release.¹¹⁷

78. The Board of Parents of the Bosnia and Herzegovina Army Members "Vranica" Mostar submits that Prlić does not deserve to be granted early release, emphasising that he has "never publicly apologised to the Mostar victims" and "never provided any information on the graves of the killed prisoners of war from the 'Vranica' Command".¹¹⁸

79. Finally, the Association of Civilian Victims of War – Mostar opposes the Application, submitting that the only satisfaction for the victims is to know that "the criminal will serve his legally imposed prison sentence in full".¹¹⁹

80. Prlić responds that he understands and respects the victims' pain and sorrow and submits that the "only thing a man in [his] situation can humanly do is to face up to his own responsibility for the crimes committed, genuinely accept his guilt, repent, express remorse, and express condolences to the victims of the crimes and their relatives".¹²⁰

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

4. Health of the Convicted Person

82. Previous decisions have taken into account the state of the convicted person's health in the context of an early release application.¹²¹ In particular, I observe that a convicted person's health

¹¹⁵ Association of Victims and Witnesses of Genocide Letter, pp. 1-2.

¹¹⁶ Association of Camp Inmates Mostar Letter, pp. 1-3.

¹¹⁷ Association of Camp Inmates Mostar Letter, pp. 3-4.

¹¹⁸ Vranica Email, pp. 1-2.

¹¹⁹ Association of Civilian Victims of War Letter, p. 1.

¹²⁰ Comments, para. 16.

¹²¹ *Krstić* Decision of 3 February 2025, para. 68; *Milošević* Decision, para. 83; *Bisengimana* Decision, para. 32.

must be considered when the seriousness of his or her condition makes it inappropriate for the convicted person to remain in prison any longer.¹²²

83. Prlić does not submit that his state of health should be considered in the context of the Application or that compelling or exceptional circumstances would justify granting him early release.

84. The Report from the United Kingdom indicates that Prlić [REDACTED].¹²³

85. The information before me does not lead to the conclusion that Prlić's state of health would render his continued imprisonment inappropriate. Accordingly, there are no compelling humanitarian grounds that would warrant his early release. I have nevertheless taken the information on Prlić's state of health into account in reaching my decision on the Application, as part of my overall assessment of the various factors.

5. Consultation

86. In coming to my decision on whether to grant the Application, I have consulted with three other Judges of the Mechanism in accordance with Rule 150 of the Rules and paragraph 16 of the Practice Direction.¹²⁴ Judge Liu highlights the high gravity of Prlić's crimes, and that early release should be exceptional. Judge Agius raises the insufficient demonstration of Prlić's rehabilitation, while acknowledging that progress has been made. Both are in favour of denying the Application. Judge Antonetti submits that he would be in favour of conditionally releasing Prlić, given his excellent behaviour during hearings and in detention, the fact that he has served two-thirds of his sentence, his prior demonstrated desire for reconciliation stemming from his participation in government following the Dayton Accords, and the positive effect that release of a senior political leader could have on national reconciliation.

87. 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

88. I am of the opinion that the Application should be denied. While Prlić is eligible to be considered for early release, the high gravity of his crimes and his insufficient demonstration of

¹²² *Krstić* Decision of 3 February 2025, para. 68; *Milošević* Decision, para. 83; *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.

¹²³ Report from the United Kingdom, Annex C, pp. 29, 31.

rehabilitation are significant factors militating against such release. Further, there is no evidence before me that establishes the existence of compelling humanitarian grounds which would warrant overriding this negative assessment.

VI. DISPOSITION

89. 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 and **INFORM** the authorities of the United Kingdom that Prlić's sentence completion date is 16 August 2032.

90. The Registrar is **DIRECTED** to provide the authorities of the United Kingdom and Croatia, as well as the Prosecutor of the Mechanism, with the public redacted version of this decision as soon as practicable.

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

Done this 7th day of March 2025,
At The Hague,
The Netherlands.



Judge Graciela Gatti Santana
President

[Seal of the Mechanism]

¹²⁴ See *supra* para. 19.



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

I - FILING INFORMATION / INFORMATIONS GÉNÉRALES

To/ À :	<input type="checkbox"/> 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. Jadranko Prlić		Case Number/ Affaire n° : MICT-17-112-ES.2			
Date Created/ Daté du :	07 March 2025	Date transmitted/ Transmis le :	07 March 2025	Number of Pages/ Nombre de pages :	22	
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 Jadranko Prlić					
Classification Level/ Catégories de classification :	<input checked="" type="checkbox"/> Public/ Document public	<input type="checkbox"/> Confidential/ Confidentiel	<input type="checkbox"/> Ex Parte Defence excluded/ Défense exclue	<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
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 checked="" 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):