

## TO THE HIGHER PUBLIC PROSECUTOR IN BELGRADE

Based on the Article 224 of the Criminal Procedure Code, upon authorization given by Ilija Dević from Belgrade, No 9 Vile Ravijojle Street, *Nikola Stanojević*, lawyer from Belgrade, No 1 Vojvode Milenka Street, upon the Power of Attorney which can be found in the attachment, files

### CRIMINAL CHARGES

#### AGAINST:

1. **Vesna Džinić, former Director of the Privatization Agency**
2. **Branislav Zec, Executive Director of the Privatization Agency**
3. **Julijana Vučković, Director of the Centre for control an execution of the contracts in the Privatization Agency**
4. **Ana Ristović-Nikezić, Director of the Sector for execution of privatization in the Privatization Agency**

due to reasonable suspicion that in December of the year 2008, after previously made agreement and through common acting, being official persons, they abused their official positions and authorizations and exceeded the limits of their official authorization because they illegally terminated the contract on selling of the social capital through public auction concluded in Belgrade on 30 July, 2004, between the Privatization Agency and Ilija Dević, buyer of the social capital – the Social Transport Company *Vojvodina* from Novi Sad, wittingly acting opposite to the provision of the Article 41a of the Law on Privatization and the Article 7.1. of abovementioned contract, with neither written nor any other kind of information sent to the buyer, thus causing multi-million damage to the buyer – majority owner Ilija Dević, minority share holders and the company *ATP Vojvodina* from Novi Sad.

**In this way they, as co-executors, committed the criminal offense of abuse of official position according to the Article 359, Paragraph 1 in relation with the Article 33 of the Criminal Law.**

### I SUGGEST

The Higher Public Prosecution in Belgrade:

- check up the facts stated in the criminal charges through the Directorate for Fighting the Organized Crime and have insight in the Privatization Agency's documentation relating privatization of *ATP Vojvodina* from Novi Sad
- check up the facts via hearing of the persons mentioned in the criminal charges and interviewing the damaged party, Ilija Dević from Belgrade, No 9 Vile Ravijojle Street
- inspect the business documentation of the company *ATP Vojvodina* from Novi Sad
- do all other necessary checks and after that, demand the investigation against the persons against whom the charges have been filed.

We insist on being informed about the Prosecution's decision.

## **E X P L A N A T I O N**

Ilija Dević who has filed the criminal charges and who is the damaged party, concluded on 30 July, 2014, the contract with the Privatization Agency on purchase of the social capital, via public auction - the social company *ATP Vojvodina Novi Sad*.

After the contract conclusion, the buyer completely met the elements of the social program and, apart from that, employed more than 200 new workers. He also completely fulfilled the part of the contract on the investments, bought most modern and luxurious *Setra* and *Mercedes* buses. He concluded the contracts on representing and authorized service with *Setra* and *Mercedes* companies, and in May 2006, he concluded the contract with the City of Novi Sad on building of the most modern intercity bus station as well as an entire auto-centre with service workshop, petrol station, mall and motel. He invested about 30 million Euros in the project. Seriously intending to create a respectable company which would be one of the best in Serbia and this part of Europe, as well as to provide conditions for further employment of about 1200 people during the project realization, Ilija Dević pledged huge, several million worth assets, both his personal and assets of his company *Mancoop*, in order to warrant the project lending.

In accordance with the City of Novi Sad urban development plan, supported by the competent institutions in Novi Sad and in accordance with the positive legal regulations, a contract was concluded on 8 May, 2006, between the company *ATP Vojvodina Novi Sad* and the City of Novi Sad according to which the City had the obligation to provide conditions for work in intercity traffic by the international standards in order to improve complete City traffic infrastructure as well as level of the services offered to the users.

In spite of the fact that Ilija Dević had the bus station completely built in accordance with the project documentation and with all the accompanying facilities in accordance with the world standards, with the most modern equipment for which the City administration even issued the use permit, the bus station was not put into operation due to administration reasons – failure to complete the inspection activities relating ban of the old bus station work and abuse by the traffic inspectors who were probably working together with those who did not like the fact that a new bus station could start working. If the new bus station had started working, it would have earned regular, planned funds out of which the company was to repay the loan installments.

Putting such a modern and by world standards built facility into operation would provide conditions for the owner and the workers to work and generate income and consequently fulfill their obligations, and the main reason why this did not happen is the fact that there was abuse by the institutions in charge whose duty was to ban work of the old bus station due to the fact that it did not meet the legal requirements for work.

The very way in which the buyer repaid 4 out of 6 due installments, increased number of the employees and planned employment of much more new workers as well as the accepted investment which significantly exceeded the accepted investment program confirms the fact that it was one the most successful, best and most correct privatizations in Serbia.

Privatization Agency was regularly informed about all the above mentioned problems the buyer was facing after the contract conclusion. Impossibility to put the big investment project –*Auto-transport company Vojvodina* into operation was not result of unsuccessful implementation of the privatization and business activities program of the company, but it was result of acting of the criminal circles working together with some state institutions which were in every possible way trying to prevent the company from successful operation as well as from putting a big investment project belonging to the damaged party into practice.

This privatization was not in the interest of only the company *ATP Vojvodina* and its buyer Ilija Dević, but it was in general society interest as well. This fact is something the Privatization Agency had to take care of, especially taking in account the externals appearing in the business activities after the contract conclusion and which were result of the abuses and failure to meet the obligations by representatives of certain state institutions.

However, in spite of being familiar with the situation and following the course of the privatization, the Privatization Agency itself by its way of acting contributed to failure to complete the privatization in such a way that it, without informing the buyer in spite of its obligation to do that in accordance with the Law and the contract, terminated the contract on privatization on 16 December, 2012, only one day after the company had been pushed into bankruptcy by *Čačanska Bank* because of the debt in amount of 20,000.000 dinars. Acting in an illegal way, without taking care of the general social interests, the interests of the company employees and the buyer, the Privatization Agency significantly contributed to realization of the idea for the company *Vojvodina* with its newly-built bus station, services and other forms of activities to be bought for small amount of money by the privileged buyers and, as far as the very buyer is concerned, to cause multi-million damage to him as well as to the workers employed in the company who were all fired on the same day and who became a social program.

In Belgrade, 8 March, 2010

authorized attorney of  
the damaged party  
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