

TO THE HIGHER PUBLIC PROSECUTOR'S OFFICE IN NOVI SAD
MEMORIAL of the damaged Ilija Dević

Based on the regulation of the Article 51, Par. 1 of the Law on Criminal Proceedings, Ilija Dević from Belgrade, No.9 Vile Ravijojle Street, is filing

COMPLAINT

On 20 January, 2015, in its decision Kt.No. 58/15, the Basic Public Prosecutor in Novi Sad dismissed the criminal charges I had filed against Gojković Maja, Vukčević Zoran, Jeftić Aleksandar, Mirović Igor, Grbović Biljana, Stojković Vladimir, Tošković Vučeta, Tadić Lidija, Vignjević Danica and Mandić Dejan because of the criminal acts of abuse of their official positions in accordance with the Article 359, Par. 3 in relation with the Par. 1 of the Criminal Law, because there are the circumstances which permanently exclude prosecution and that is obsolescence (limitation) of criminal prosecution in relation to Par. 284, Par. 1, Point 2 of CLP.

I think that the decision made by the Basic Public Prosecutor from Novi Sad is illegal.

Namely, I filed the criminal charges against the persons mentioned above because of the criminal act of abuse of the official position in accordance with the Article 359, Par.3 relating Par.1 of the Criminal Law of the Republic of Serbia, and I described in the charges that their common activities had caused the damage to the City of Novi Sad in the amount of 400.000.000,00 dinars.

In explanation of the charges I stated the facts and evidence which without doubt prove existence of reasonable suspicion that criminal act had been committed.

Higher Public Prosecution. without any reason and with the intention to thwart launching of the criminal proceedings, motivated by the fact that the persons included in the charges are high officials of the Serbian Progressive Party and state officials, forwarded the criminal charges to the Basic Public Prosecutor in Novi Sad, although the very contents of the charges as well as the explanation clearly show that the Higher Public Prosecutor is in charge of the matter.

Without any check-ups and acting opposite to CLP, the Basic Public Prosecutor dismissed the criminal charges stating that obsolescence of the criminal prosecution occurred. It means that he considered neither the content of the statements in the criminal charges nor the suggested evidence, but he dismissed the criminal charges for the process reasons, qualifying it as a criminal act of abuse of the official position from the Article 359, Par. 1, although he had neither basis for that nor he could qualify the act in this way based on the gathered evidence or any kind of information.

In my opinion, the Prosecution could have dismissed the charges after completed check-ups on some other basis regulated by the Article 284, but not in the way it was defined by the Public Prosecutor's decision.

This way of the Prosecutor's acting is totally opposite to CLP as well as to the basic role of the Prosecution regulated by the Law, his role being to prosecute the offenders after learning that the criminal acts have been committed.

Like countless times so far, it has been confirmed once again that the Prosecutors in charge of all charges I have filed so far against the responsible persons in Novi Sad have protected the actual offenders in case of *ATP Vojvodina*, and I am totally sure that the reason for such an acting is direct pressure of the persons who influence upon them to make such decisions.

The Higher Prosecutor's avoiding of responsibility and shifting of the responsibility to the Basic Prosecutor by illegal changing of nature of the very act without any check-ups is already seen model and way of work of the Higher Public Prosecutor from Novi Sad.

I think that the Public Prosecutor's actions are illegal and I am not filing this complaint believing that the Higher Prosecutor in Novi Sad will accept it and give the order to the Basic Prosecutor to act in accordance with the Law, but believing that the prosecutors acting in this way will bear responsibility for their illegal acting.

As for the filed criminal charges, the way of their dismissal. actions of the Prosecutor which are totally opposite to the Law, the competent authorities in European Commission as well as the agencies which will, on behalf of that institution, check up the work of the judicial authorities when opening the Chapters 23 and 24 for joining the European Union will be informed about them.

Belgrade, 06 February, 2015

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