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COUNCIL OF EUROPE
PARLIAMENTARY ASSEMBLY
National delegations

Pece, January 17, 2005

Winter Session – January 24 - 28, 2004 in Strasbourg
Report Doc 10135 by Mr. Erik Juergens

Dear ladies and gentlemen,

one of the items on the draft- agenda on Monday January 24, 2005 is the adoption of the minutes of the Standing Committee (November 23, 2004 in Warsaw). One of the minutes is the report doc. 10135 by Prof Eric Juergens, which was brought for debate in the Standing Committee under Rule 15 of the Rules of procedure.

With regard to the admissibility decision of the ECHR and in according to the Criminal Law Convention on Corruption we ask the members of Parliamentary Assembly to refuse the report as incorrect and misleading; in alternative to postpone further deliberation of this issue until the results of the investigation against Prof. Juergens are known and until the ECHR decides on the legal aspects in this matter based on the individual applications of non-Slovenian savers against Slovenia.

We are Croatian savers of Nova Ljubljanska banka, who also have apply (application No 65553/01) to the ECHR in this matter. On April 8, 2004 the ECHR has declared the applications of the first three non -Slovenian savers admissible. Only a solution based on law can be a good and lasting solution. There is not only the question of repayment of the deposits; we, non- Slovenian savers, who are discriminated, humiliated, impoverished because of the unjustified benefit of a mighty bank, because of economic crime and corruption, we, who believe in the rule of law and fight only in democratic way for our right, have the right for satisfaction and compensation by a decision of an independent Court for being victim. Article 6 of the Convention of human rights said: " In the determination of his civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law ...".

The replaced paragraph 7of the controversial report is not only unacceptable for us as the victims but violates the Article 6, 13 and 14 of the Convention for Human Rights: Who is to decide who can appeal to the ECHR and who cannot ? Does the argument of an overburdened Court is enough to solve politically serious

legal issues of violating human rights ?! In its admissibility-decision refers the first three applications of non- Slovenian savers the ECHR considers in the light of the parties' submissions that the complaints raise serious issues of fact and law under the Convention, the determination of which requires an examination of the merits.

Because of significant problems regards effective legal protection in Slovenia *vis-a-vis* Nova Ljubljanska bank (NLB), we have asked in 1997 the Council of Europe to help us to protect our rights and human rights in this issue. Because of economic interest that lies behind the political decisions in this case the bank was assisted by the Slovenian authorities, which intervened in the private law relation between bank and its savers by a Constitutional act: result is the discrimination against savers with Croatian, Bosnian, Serbian and Macedonian nationality. This savers had been erased in the balance sheet of the Nova Ljubljanska bank (NLB) because of their former Yugoslavian nationality ! For your information and for proving the truth we sent you a copy of the statement of Nova Ljubljanska bank (NLB) dated June 28, 1996 regard our request for explanation why our account is not transferred to the balance sheet of NLB regarding our contract and the relevant Slovenian and international law.

Prof. Juergens has prepared his report intentionally incorrect and misleading, leaving aside all facts verified by valid legal documents, but leaving the impression that the savers are victims of the collapse of the banking system in former Yugoslavia.

The main task of the rapporteur was to answer the question of the legal position (separate legal entity, or not) of the «branch-offices» of the former Ljubljanska banka in Zagreb, Sarajevo and Skoplje. The rapporteur does not to answer this question of fundamental importance, although he has been provided with all relevant documents, especially the Commercial court certificate of the bank establishment dated 19.12.1989 and registration of the head office and its branch-office at the court in Ljubljana from 29.12.1989 No. 1/2734/01, srg 3289/ 89 and the relevant law, section 19 of the Slovenian Constitution law (1/91) and section 6,10,11,12,13,14,22,23 of Slovenian Bank Act (1/91) which provide that foreign branch offices of the Slovenian bank were integrated into the Slovenian national deposit guarantee schemes and that the branch – offices had no separate legal entity. These valid legal documents and facts are not even mentioned in the report.

The conclusion and the recommendation of the report are only for the benefit of the Nova Ljubljanska banka (NLB) and the KBC Bank NV, who intends on taking over the majority in the Nova Ljubljanska banka (NLB) after 31.12.2005. Both involved banks fear a very high compensation (the claims by some hundreds of thousands of non- Slovenian savers, including a very high percentage of accumulated interest) therefore they try to establish a political solution of this issue, like suggested in the report of Prof. Juergens.

We strongly believe this is the motive for targeting Prof. Juergens for corruption. As the responsible reporter his decisions are of significant economic, financial and political consequences for both banks, KBC bank NV and Nova Ljubljanska bank (NLB). Moreover Prof. Juergens is one of the prominent members of the assembly with great influences.

As a member of an international parliamentary assembly, Prof. Eric Juergens has been reported to the Dutch officials for being suspected committed intentionally crime offences of passive bribery and trading in influence for the unjustified benefit of the Belgian KBC Bank NV and the Slovenian Nova Ljubljanska banka.

On the basis of the Criminal Law Convention on Corruption Art 18, corporative liability, we have reported the KBC bank NV and the Nova Ljubljanska banka to the authorities responsible for combating economic crime and corruption in Ljubljana.

The Council of Europe has recognized the danger of economic crime and corruption for the rule of law and democracy itself. As the Criminal Law Convention on corruption provides the close co-operation between national and international institutions to make possible to prosecute those who offer and those who accepts bribes or to speed up the prosecution, today we have informed the Bureau of GRECO. We especially informed Mrs. Isabelle van Heers, vice- president of GRECO and Mrs. Claire Huberts representatives of the Belgium Delegation about the serious accusation against the Belgian KBC bank NV for being involved in economic crime and corruption and ask them to contribute to ensure an independent investigation against die KBC Bank NV in Belgium in this matter. Also we especially informed the representatives of the Netherlands Mrs. Eline Weeda, and Mr. Klaas Werkhorst and ask them to ensure an independent investigation against Prof. Eric Juergens in the Netherlands. We also have reported this serious matter to the Direction General 1- Legal Affairs- economic crime Division of the Council of Europe for investigation.

Even the suspect of bribery of members of international parliamentary assemblies has serious nature. No country or institution in the world is safe from cases of corruption or breaches of their obligations by its officials. We trust that the informed European institutions and representatives for combating economic crime and corruption now will act and investigate this serious matter.

The convention of human rights creating conditions in which the people can seek and find justice and we ask you to ensure that justice, safety and unity come first - before economic interest of a mighty bank corporation like the Belgian- German KBC bank NV and its Nova Ljubljanska bank (NLB). Please do not allow that the involved banks KBC bank NV and Nova Ljubljanska bank (NLB) abuse the Parliamentary Assembly for covering economic crime and corruption.

Organized crime and corruption can be combating with "organized good", we all share the ideal of living in a just and safe society and we believe in the European ideals and values. Therefore we ask you not to confirm the report of Prof Juergens in the Parliamentary Assembly before investigate the serious accusations in this matter.

We thank you very much for your understanding and your support.

Yours sincerely,

Danica Šekrst-Dinjar
Danica Šekrst- Dinjar

Juraj Šekrst
Juraj Šekrst

- copie of statement of Nova Ljubljanska bank dated June 28,1996 attached

Uon : HP NOVI MARDI 42220 042 611015

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038 01 128 21 88

NLB KOORDINACIJA ↔ JURAJ SEKRST

00



ljubljska banka

*RACE
Parlamm. Delegations
attach to the
Letter from January 14, 2007*

Copova 3, Ljubljana
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Telefaks: (0031) 125 11 73
S.W.I.F.T.: LJBSL2X

Nova Ljubljanska banka d.d.
Ljubljana

Sektor za koordinacijo poslovanja s
podružnicami
Oddetek koordinacije

Winter session in Strasbourg, Dec. 10/185 (Report by Mr. Jürgens)

JURAJ SEKRST

Hermannstrasse 202
12049 BERLIN
DEUTSCHLAND

Datum: 28.08.1996

Številka: 2772 ²⁵³⁷ /B.Vrabeč

Ref.: bank accounts

Dear Sir,

with reference to your letter (sent by 19th of June) we are obliged to give you the following explanation:

Because of statutory changes, imposed by decision of the State Chamber of the Republic of Slovenia, Nova Ljubljanska banka d.d., Ljubljana is not authorized for solution of your request.

X The total obligations deriving from currency savings of depositors being citizens of other former Yugoslav republics, remain at the Ljubljanska banka d.d., Ljubljana. X DISKRIMINACIJA

That's the reason that we addressed your letter to contact person of the bank, which we have just mentioned, Mr. Miran Heric (tel. 00 38 061/ 218-279) for any further information.

Your faithfully

Helena Svolfšak
General Manager
Branch Network Coordination

Svolfšak