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**GRECO**  
**Group of States against Corruption**  
**Council of Europe**

**Mrs. Isabelle van Heers**

**Fax: 00333 90215073**

Pece, January 18, 2005

**Criminal Law Convention on Corruption**  
**Unwillingness of Dutch and Belgian authorities responsible for combating economic crime and corruption to take action in the cases of Prof. Eric Juergens, prominent member of PACE and the Belgian KBC Bank NV**

**Dear Mrs van Heers,**  
**Dear ladies and gentlemen,**

the Criminal Law Convention on Corruption emphasises that corruption threatens the rule of law, democracy and human rights, undermines good governance, fairness and social justice and endangers the stability of democratic institutions and the moral foundations of society, but above all it endangers confidence of the European institutions and representatives and harm their credibility. The Group of States against corruption is responsible, in particular, for monitoring observance of the guiding principles for fight against corruption and the implantation of the international legal instruments adopted in pursuit of the program of action against corruption (PAC) and one of its instruments is the Criminal Law Convention on Corruption.

The Parliamentary Assembly of the Council of Europe (PACE) is sized of the question of the non-repayment by the former Ljubljanska bank, since July 1994 Nova Ljubljanska bank (NLB), Slovenia, of the foreign exchange deposits of savers with Bosnian, Croatian, Serbian and Macedonian nationality (non- Slovenian savers) and discrimination against nationality of these savers.

Prof. Juergens has prepared his report for PACE intentionally incorrect and misleading, leaving aside all facts verified by valid legal documents, to influence over the decision-making of PACE to ensure an undue advantage for the two involved banks by establishing a political solution of this issue. 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). The ECHR has been seized in this case and declared the first application admissible. The opinion of the lawyers office Cleary, Gottlieb, Steen & Hamilton, attorneys for the republic of Slovenia at the ECHR refer to the demand of the KBC bank NV for guarantee for the claims of the non-Slovenian savers by the republic of Slovenia is very indicated why the banks fear is founded: « ... *It can not be exclude that a foreign court will declare the Nova Ljubljanska banka liable for the claims of the depositors in the Ljubljanska banka offices outside Slovenia either the reorganisation measures from 1994 represent de facto an expropriation or the Amending Act intervened in the private law relation of third (bank and its savers) ...* » !!!!

Our serious accusation against Prof Juergens we are proving by valid legal documents;

- Commercial court certificate of the bank establishment dated 19.12.1989 and registration of the bank head office and its branch-office at the court in Ljubljana from 29.12.1989 No. 1/2734/01, Srg 3289/ 89
- (Nova) Ljubljanska Bank memorandum of December 19, 1989 article 60 and articles of association
- (Nova) Ljubljanska Bank memorandum of April 14, 1992
- section 19 of the Slovenian Constitution law (1/91) and section 22 d and g (45/94)
- Slovenian Bank Act (1/91) section 6,10,11,12,13,14,22 and 23

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 therefore are the claims of the non- Slovenian savers against the Nova Ljubljanska bank justified. These valid legal documents and facts are not even mentioned in the report.

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 bank (NLB) to the authorities responsible for combating economic crime and corruption in Ljubljana and Brussels.

Unfortunately, only the office for combating economic crime and fraud in Ljubljana has started an investigation on base of our report of NLB for being suspected committed intentionally, directly and indirectly crime offences of active bribery and bribery of a member of a international ( Prof Eric Juergens) to prepare his report for PACE intentionally incorrect and misleading, to influence over the decision- making of PACE to ensure an undue advantage for the two involved banks by establishing a political solution of the issue (claims of Croatian, Bosnian, Serbian and Macedonian Savers against NLB)

**We deeply hope the Dutch and Belgian authorities, responsible for combating economic crime and corruption do not really show unwillingness to take action in the case of Prof Eric Juergens, prominent member of PACE and the Belgian KBC bank NV but we have no information if the serious accusations against Prof Juergens and the KBC Bank NV for being suspected committed intentionally, directly and indirectly crime offences of active and passive bribery and bribery of a member of a international and trading in influence are investigated and what is happed to our report.** The meeting of the Standing Committee of PACE on November 23, 2004 in Warsaw guesses that the Dutch and Belgian authorities do not want to investigate in this case.

We have reported Prof Eric Juergens to the responsible Dutch officials for combating corruption on March 15, 2004. We reported this serious subject to Mr. Jan Piet Hein Donner, minister of justice of the Netherlands on March 15, 2004, March 29.2004 and Mai 05.2004 but we did not get an answer.

We have reported the KBC bank NV to the Belgian authorities responsible for combating economic crime and corruption on March 11, 2004. We informed and reported this serious subject to the Belgian minister of justice, Mrs. Laurette Onkelinx on March 15, 2004 and Mai 05.2004 but we did not get an answer.

Local distance and language barriers should not be the reason why serious accusations of economic crime and corruption could not be investigated and prosecuted. Therefore we ask you as vice president of GRECO an Belgium Representative and Mrs. Claire Huberts We especially informed Mrs. Isabelle van Heers, vice- president of GRECO and Mrs. Claire Huberts to contact the responsible authorities for combating economic crime and corruption and to contribute to ensure an independent investigation against die KBC Bank NV in Belgium because of the serious accusations in this case.

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**Council of Europe  
Parliamentary Assembly**

- To the President
- To the Table Office
- To the General Secretary

**Pece, January 20, 2005  
Winter Session – January 24 - 28, 2004 in Strasbourg  
Motion for withdraw the report Doc 10135 by Mr. Erik Juergens**

Dear,

we ask you to withdraw 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 and which is one of the items on the draft- agenda on Monday January 24, 2005, point 1(g) " *adoption of the minutes of the Standing Committee (November 23, 2004 in Warsaw)*".

Prof. Juergens has prepared his report for PACE intentionally incorrect and misleading to influence over the decision- making of PACE to ensure an undue advantage for KBC bank NV and Nova Ljubljanska bank by paying the banks ` obligations vis-à-vis non- Slovenian savers by establishing a collective fund under the auspices of the Council of Europe, which should be financed by the Slovenian, Croatian , Bosnian and Macedonian government and a contribution of the EU.

Prof. Eric Juergens has been reported to the Dutch officials responsible for combating corruption 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.

Also this serious matter is reported to the Economic crime Division of the Council of Europe, Direction General 1- Legal Affairs- for investigation. The Group of States against corruption, responsible for monitoring observance of the guiding principles for fight against corruption is informed as well.

To preserve the confidence and credibility of the Assembly and its work, the Assembly cannot confirm the report by Prof Juergens in these serious circumstances ( accusation for corruption); because it would mean ignoring the spirit of the criminal law convention on corruption.

Therefore we ask you 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 and to withdraw this item of the draft agenda for the Winter-Session.

To your information we send you our letter to the National delegations dated January 17,2005 .  
We thank you very much for your understanding and your support.

Yours sincerely,

*Danica Šekrst - Dinejar*

CC: PACE - National delegations