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United States Department of State
2201 C Street, NW
Washington, D.C.
United States

Secretary of State The Honorable Mr. Mike Pompeo

SUBJECT: Executive Order 13818 of December 20, 2017 on Blocking the Property of Persons Involved in Serious Human Rights Abuse or Corruption

Dear Mr. Secretary,

We are addressing you regarding the violation of the human rights of US citizens and others in the Republic of Croatia.

We have the opportunity to write to you this quite emotional letter as lawyers with many years of practice. Stunned by the fact that there is a state in Europe that is even a member of the European Union and which, even today, in the 21st century, at the time of robotization, the replacement of human labor by the work of computers, does not respect the basic human rights and freedoms that have been shelved since ancient times by many documents such as are Magna Carta Libertatum from 1215, the Bill of Rights - 1689, the Petition of Rights - 1628, the Habeas Corpus Act - 1679, the French Declaration of the Rights of Man and the Citizen - 1789, The European Convention for the Protection of Human Rights and Fundamental Freedoms since 1953, the International Covenant on Civil and Political Rights of the United Nations since 1966. A country that has undergone the procedure of controlling the rights contained in Chapter 23 for joining EU and admitted to the European Union in 2013. This is the state of Croatia. In this country, even today, the courts, with a call to the corps of acts of their state, persistently do not want to fulfill obligations that are rightly considered standards, which is an unhindered, complete, autonomous right to enjoy private property.

We want to inform you that the European Court of Human Rights, by its decision no. 73035/14, and by the decision (on the inadmissibility of the application for incompatibility with *ratione temporis*), and not on the merits, rejected the request of a multinational company in Serbia, Mladost turist, to provide legal protection and of private property after exhausting internal proceedings concerning private property which was as such recorded in the land register before 1991. We emphasize that this is one of the 180 cases that are currently at the decision-making stage before the Croatian courts, and also the first one that happened in the sense that the Strasbourg court reviewed the application of that kind and made a decision declaring it inadmissible because of the fact that the state of Croatia, in the meantime, has accepted the full capacity of European law, it avoids, does not want, and in every possible way obstructs the return of private property to legal entities from the territory of the Republic of Serbia and Bosnia.

In that direction, we are not interested in the fact that the Succession Agreement has been concluded, but we will mention it. When we say the Succession Agreement, we mean an agreement concluded between the countries of the former Yugoslavia and which contains in its provisions an Annex G which guaranteed to the signatory states that other signatories will comply with the provisions on basic human rights and that they will restore or restitute the assets of legal entities from other republics.

The Republic of Croatia accepted this Succession Agreement, ratified it in its parliament – Sabor on 20th of June, 2004. In the past 14 years, Croatia has not deliberately done anything to bring the agreement to life. The justification was banal, which is, that the technical agreement, that is, the bilateral agreement between the two countries was not concluded. All other states of the former Yugoslavia accepted this agreement without any conditions, including Bosnia and Herzegovina and Serbia, and recognized all the rights of Croatian legal entities as evidenced by the judgment of P. 5810/15 and Pz. 6510/16 of the competent courts of the Republic of Serbia, by which case-law stood on the point of view to recognize the direct application of the Succession Agreement.

The state of Croatia, as a young republic, concluded two bilateral agreements with Slovenia and Macedonia, but before the signing of the Succession Agreement. But not with other countries. According to the statement of prof. Dr. Rodoljub Etinski, High Representative of the inter-ministerial working group for the implementation of the Succession Agreement of the Republic of Serbia and Mr. Bevanda, Bosnia representative, Croatia has been obstructing the implementation of this Agreement for 14 years, and thus the application of Annex G.

However, on the occasion of addressing you is not the annex G and its application, but the fact that today at its present it is possible that somebody is challenging the ownership rights for a full 12 years before signing this agreement, and even before the adoption of the European Convention, he does everything to change the alienation and make impossible the natural return such property as a property right (in the sense of immovable or movable property) or some right (in the sense of receivables). What is indicative is that this country has passed the control of the accession amendment of Chapter 23 of EU negotiating chapters in terms of accepting the rights and the rule of law. The court in Strasbourg has cleverly avoided this and we will not enter into these reasons because he maintained that the basic elemental act of property hijack happened before Croatia signed the European Convention. Although we do not share this opinion because we hold that, although acts of act and judicial acts have taken place at a time when Croatia was not a signatory to the European Convention, these violations continue to exist today as a consequence of those acts undoubtedly under EU law, illegal and they return us to the Stone Age, in which the only law was the law of the cudgel. We want to avoid such a kind of rule of law, holding that both the Bosnia and the Republic of Serbia as EU candidates accept all the norms of Chapter 23 and are deeply convinced that the right to property is one of the basic rights of the pact UN to which the state of Croatia joined in 1946 when UN was established, as well as subsequent protocols.

We simply can not believe that today there are lawyers in a country in Europe who consider this a victory of the law as it was welcomed in Croatia. Gentlemen, it's a Pyrrhic victory. In view of the fact that the European Court is acting on the basis of a precedent and that such a decision is considered a pilot decision, this matter must be addressed further and in that direction we need to be aware of the fact that Croatia as a UN member who violates fundamental rights and human freedoms guaranteed by the Convention and that is a problem we give a historical account of their legal acts which they hold are completely contrary to the UN Pact, the European Law, the Charter of the Council of Europe, and the EU Accession Treaty.

We can not get rid of the fact that the Prime Minister of Croatia, Mr. Milanović signed the Treaty of Accession of Croatia and made a statement that this country respects the EU Corps, including property rights. We are in possession of these statements and we are delivering them to you. On the other hand, we are convinced that the essence is much more important than the form, which is the following: the Croatian state persistently and consistently, in the utterly discriminatory way, from the moment of its establishment as a state, does everything within the power of their judicial and executive bodies to prevent the unimpeded enjoyment of the right to the property of legal entities, many of which are multinational companies as well as natural persons, among others and the citizens of the USA, and who had great assets in Croatia, both immovable and movable property including real claims.

Special mention is made of the fact that Croatia, Bosnia and Herzegovina and Serbia have adopted the Treaty which Croatia ratified with the Regulation on mutual incentives and investment protection. The decree was passed in 2001.

We have formed an association of legal entities and individuals who have been deprived of the right to property as a non-governmental civic association in order to overcome the structure of power, through the use of the rights given to us by the International Covenant on Civil Rights and other international legal agreements, we do everything to convince the competent authorities to act effectively on the Republic of Croatia to respect these elementary norms.

Imagine how much human effort has been made in the last 23 years to see Croatia as a country that respects basic human rights. Imagine how much of the court proceedings are guided by a belief in a universal legal system with the aim of restitution and restoration of property as well as other claims. From this aspect, please, as a body that we hold to have a mechanism to influence the Republic of Croatia to respect fundamental rights and human freedoms, to create elementary circumstances for the return of property and disputable claims, beyond the banal fact that Croatia allegedly did not sign the European Convention after has changed the legal regime of the disputed property in its registers, transferred the property to itself, alienated it or donated it or disposed of it in any other way.

We write this request in desire for justice and with a hope that law and justice represent elementary norms from the aspect of the basic elements that we stated at the beginning of this letter.

In view of all the above, we believe that it would be expedient to apply the Executive Order 13818 on Blocking the Property of Persons Involved in Serious Human Rights Abuse or Corruption document number 2017-27925 signed by president of the U.S. The Honorable Mr. Donald Trump on 12/20/2017, published on 12/26/2017 in relation to all current officials of the Republic of Croatia and ban them from entering the United States, as well as to carry out measures in accordance with Section 1. of the cited Executive Order.

August 3, 2020
Novi Sad,
Republic of Serbia

Respectfully,
Law Office Ristić & Partners