

PUBLIC ANNOUNCEMENT

On the basis of numerous citizen's complaints, the Anti-Corruption Council analyzed cases of illegal construction on the roof of the buildings in Belgrade, with particular emphasis on the well known case of attempt of illegal construction on the roof of buildings on approximately 30 000 square meters in the suburb of Konjarnik.

On 23 April 2004, representatives of the Zvezdara Municipality tried to enforce, 18th times in the last year, one of the construction rulings with police assistance.

In the analysis we had forwarded to the previous Government of Serbia, we quoted that it was an obvious case of corruption both of courts and administration.

Henceforth, we sent the analysis to the State Attorney for the purpose of criminal procedures initiating and Ministry of Construction for the purpose of initiating supervision procedure over the administration.

Building permits are issued on the basis of the property ruling on the construction entitlement enacted in 1994, through use of Law on building construction and adaptation of common premises to flats from 1984, which became void, because the terms for its use ceased.

The Law on cessation of the law prescribed that the construction procedures, in which the first instance ruling was sentenced, should carry on pursuant to the Law which became void. This final provision of the Law has, for many years, been a source of corruption in the construction business, henceforth; our analysis forwarded to the Government suggested its striking out, and by specific procedures, removal of all illegalities and institution of the conditions for the protection and peaceful benefit of private property.

We point out to following fact. By exercise of the mentioned provision of the Law, all rulings on construction entitlement should have become void, instead of valid and leading to, after ten years, issue of building permits. The void law on which administration and courts call upon prescribed the construction in socially –owned buildings, with housing cooperatives as sole investors.

All these conditions no longer exist, buildings are long ago in the private property, and Law on maintenance of buildings was enacted in 1995. Building permits issued last year, and analyzed by the Council do not honor any of these facts, whereas some permits were issued to the housing cooperatives removed from the court register several years ago, and courts ruled legal continuity between those removed cooperatives and subsequently founded companies, which, according to the Law on cooperatives, is not allowed.

The analysis which the Council forwarded to the Government, Ministry and State Prosecutor was completely ignored, and the only impact was the initiation of the criminal procedure against the members of the Council on account of data disclosure. Moreover, enforcement of these ruling is today impossible and intolerable, for the

actual terms changed completely, i.e. the social-ownership of the flats changed. The tenants have long ago become owners of the flats they live in, i.e. the joint owners of the common premises of the building. It seems that there are still clerks who believe that they can sell other's people private property, and who are obviously protected by the system where corruption represents no criminal act, for, allegedly, it can not be proved. Talking about it is, however, punishable, because it upsets the public. Taking someone else's property on force, trespassing on the basis of ruling, and verdicts pronounced with the help of corruption, moreover, is not. The reality has obviously changed, corrupted clerks and judges should be replaced so that the citizens could live in this altered reality.

23 April, 2004

The Anti-Corruption Council of Serbia