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Орг. јед.	Број	Клас.	Сектор
01			

NARODNA SKUPŠTINA REPUBLIKE SRBIJE

Trg Nikole Pašića 13 , 11000 Beograd

n/r Predsedniku Skupštine Nebojša Stefanović

03.09.2012

PREDMET: HITAN ZAHTEV ZA IZJAŠNJAVANJE NADLEŽNOG ODBORA O ČINJENICI KONFLIKTA INTERESA DRŽAVNIH FUNKCIONERA IZ NEZAVISNIH INSTITUCIJA I VLADINIH ORGANA

Poštovani,

U organizaciji Poverenika za informacije od opšteg interesa i zaštitu ličnih podataka građana, finansirana iz javnih fondova ambasada Velike Britanije i Kraljevine Holandije formirana je Radna Grupa za izradu Nacrta zakona o zaštiti uzbunjivača. ( PRILOG 1 Odluka Poverenika o formiranju radne grupe) Iz dokumenta budžeta projekta (PRILOG 2 dokument budžet projekta Izrada Nacrta zakona o zaštiti uzbunjivača) iz koga se vidi da su državni funkcioneri koji u nezavisnim institucijama Republike Srbije i antikorupcijskim savetima planirani za devizne honorare već plaćeni iz budžeta sa sličan ili isti posao koji je u nadležnosti njihovih institucija.

1. Saša Janković, Ombudsman Republike Srbije- rukovodilac radne grupe za izradu Nacrta zakona o zaštiti uzbunjivača u budžetu „Projekta“ naveden sa minimalnim honorarom od 593.560,00 dinara za 5 meseci honorarnog rada [ što predstavlja oko 15 prosečnih neto plata zaposlenih u Srbiji] Po podacima Registra Agencije za borbu protiv korupcije Ombudsman Saša Janković za obavljanje svoje dužnosti dobija godišnje 2.832.000.00 što predstavlja oko 71 prosečnih mesečnih ličnih dohodaka građana Srbije

TO: NATIONAL ASSEMBLY OF THE REPUBLIC OF SERBIA

13 Nikola Pašić Square, 11000 Belgrade  
Attention: the Honorable Nebojša Stefanović, the Speaker

03.09.2012

MATTER: URGENT REQUEST FOR OPINION OF THE COMPETENT PARLIAMENTARY COMMITTEE RELATED TO THE CONFLICT OF INTEREST OF GOVERNMENT OFFICIALS FROM INDEPENDENT INSTITUTIONS AND GOVERNMENT AGENCIES

Dear Sir,

A Work Group for Drafting the Bill on Protection of Whistleblowers, financed from the funds of the Embassies of Great Britain and the Kingdom of Netherlands has been set up by the Government Commissioner for Information of Public importance and Personal Data Protection (EXHIBIT 1: Decision of the Commissioner on establishing the Work Group)

From the document intitled the Project's Budget (EXHIBIT 2: „ Project's Budget for drafting the Bill of the Whistleblowers Protection Law) from which it can be seen that the Government officials employed in independent institutions of the Republic of Serbia and anti-corruption councils who are planned to receive the fees in foreign currency are already paid from the State/Government budget for the same or similar job which is within their sphere of activity.

Saša Janković, the Ombudsman of the Republic of Serbia-manager of the work group for drafting the Bill of the proposed Whistleblowers Protection Act has been apportioned the sum of 593.560,00 dinars for





( NAPOMENA; Gospodin Janković javno je izjavio da se kao državni funkcioner odrekao honorara jer je nespojiv sa njegovom funkcijom. Dokument o tome nismo dobili).

**2. Zam.rep.javnog Tužioca Dr.Goran Ilić** , budžetskim planom izrade Nacrta zakona o zaštiti uzbunjivača planiran je sa minimalnim honorarom od **356.136.00 din** za 5 meseci honorarnog rada što predstavlja **9 prosečnih mesečnih dohodaka zaposlenih u Srbiji**.

Po podacima Registra Agencije za borbu protiv korupcije zam. Rep. Javnog Tužioca Dr.Goran Ilić za obavljanje svoje dužnosti dobija godišnje **2.725.887.00** što predstavlja oko 68 prosečni mesečnih ličnih dohodaka građana Srbije

**3. Član Odbora Agencije za borbu protiv korupcije Prof.Dr. Branko Lubarda** , budžetskim planom izrade Nacrta zakona o zaštiti uzbunjivača planiran je sa minimalnim honorarom od **356.136.00 din** za 5 meseci honorarnog rada što predstavlja **9 prosečnih mesečnih dohodaka zaposlenih u Srbiji**.

Po podacima Registra Agencije za borbu protiv korupcije za obavljanje svojih dužnosti dobija godišnje **7.597.044.00 din** što predstavlja oko 190 prosečnih mesečnih ličnih dohodaka građana Srbije

**4. Član Saveta Vlade Republike Srbije za borbu protiv korupcije Jelisaveta Vasilić** , budžetskim planom izrade Nacrta zakona o zaštiti uzbunjivača planiran je sa minimalnim honorarom od **356.136.00 din** za 5 meseci honorarnog rada što predstavlja **9 prosečnih mesečnih dohodaka zaposlenih u Srbiji**.

Po podacima Registra Agencije za borbu protiv korupcije za obavljanje svojih dužnosti nisu objavljeni podaci o materijalnoj nadoknadi koju ona dobija za svoj rad u

1. 5 months of free-lancing work in the „Project“s budget **(which corresponds roughly to 15 net average salaries of employees in Serbia proper)**.

According to information from the Register of the Anti-Corruption Agency, the ombudsman Saša Janković receives annually **2.832.000.00** dinars in salaries for the duty he performs, which constitutes around 71 average monthly salaries of the Serbian citizens.(Note: Mr. Saša Janković has publicly stated that as a civil servant he has turned down the fee for participating on the project because such fee is incompatible with his official function. We have not as yet received such document).

2. **Deputy Attorney General, Goran Ilić, Ph.D.**, in the planned budget for the project for drafting the Bill of the proposed Whistleblowers Protection Act has been apportioned the minimum fee in the sum of **356.136.00** dinars for a 9 month work, which is equal to **9 average monthly salaries of employees in Serbia**. According to the information from the Register of Anti-Corruption Agency, deputy Attorney General Goran Ilić, Ph.D. receives the **annual salary of 2.725.887.00** dinars which roughly corresponds to 68 average monthly salaries of Serbian citizens.

**Prof.Dr. Branko Lubarda, who is a member of the committee of the Anti-Corruption Agency according to the budget plan of the project for drafting the Bill of the proposed**







Savetu za borbu protiv korupcije niti podaci koliki je iznos penzije koju prima.

#### OBRAZLOŽENJE:

Po dobijanju obaveštaja o postojanju konflikta interesa u Radnoj Grupi za izradu jednog od najvažnijih antikoruptivnih Zakona obratili smo se kancelariji Poverenika sa zahtevom za utvrđivanje činjeničnog stanja (Prilog 3. „Javni Zahtev za odgovorom o činjenicama bitnim za zaštitu duvača u pištaljku kao preduslova uspešne borbe protiv sistemske korupcije u Srbiji „ } Na naša pitanja dobijena su dva odgovora,

- Ombudsmana Saše Jankovića u kojoj on navodi da je honorar prihvatio u vreme dok je bio nezaposlen ali da je neutvrđenog dana nakon reizbora pismeno i usmeno se odrekao svog honorara. ( PRILOG 4.  
<http://www.ombudsman.rs/index.php/lang-sr/2010-04-19-12-12-52/2457-q-q-q-q>
- Pismeno saopštenje sa sajta Poverenika za informacije od opšteg interesa <http://www.poverenik.rs/yz/saopstenja/1405-saopstenje-doktora-protiv-korupcije-svesna-namerna-laz.html> (PRILOG 5 Saopštenje Poverenika) koje ne sadrži tražene informacije o postojanju konflikta interesa 4 državnih činovnika u radnoj grupi niti odgovor sumnji na porodničnu povezanost petog člana radne grupe sa zaposlenim u kancelariji Poverenika.

Obzirom na međunarodno finansiranje projekta od strane članica EU, očuvanje ugleda nezavisnih institucija a nadalje na važnost kvalitetne izrade Zakona o zaštiti uzbunjivača u borbi protiv korupcije, što je i među ključnim zahtevima Rezolucije Evropskog Parlamenta za pridruživanje Srbije EU, smatramo da je bitno izjašnjavanje Skupštine Srbije o ovim činjenicama i postavljenim pitanjima.

3. Whistleblowers Protection Act has been apportioned the minimum fee of **356.136.00** dinars for a 5 month work which represents **9 average monthly salaries of the employees in Serbia.**

According to the information from the Register of Anti-Corruption Agency, Dr. Lubarda receives the annual salary for his work in the amount of **7.597.044.00** dinars, which corresponds to around 190 average monthly salaries of Serbian citizens.

4. **Mrs. Jelisaveta Vasilić, a member of the Anti-Corruption Council of the Government of Serbia,** according to the budget plan of the project for drafting the Bill of the proposed Whistleblowers Protection Act has been apportioned the minimum fee of **356.136.00** dinars for a 5 month work which represents **9 average monthly salaries of the employees in Serbia.**

According to the information from the Register of Anti-Corruption Agency no particulars have been published in relation to financial compensation which Mrs. Vasilić receives for her work in the Anti-Corruption Council and as to the amount of her retirement pension.

#### Explanation:

Upon receiving the information on the conflict of interest existing in the Work Group for drafting one of the most important anti-corruption pieces of legislation, we have contacted the Commissioner for Information of





Public Importance and Personal Data Protection with demand that the state of facts be established (EXHIBIT 3: „Public Request for Response in regard to Material Facts for Protection of Whistleblowers as a Pre-Condition in Successful Fight Against the Systemic Corruption in Serbia“).

We have received two replies to our questions,

- A reply from Saša Janković, the Ombudsman, in which he claims that he had accepted the fee at the time when he was unemployed but that on the date when he was re-elected to the position of the Ombudsman he waived/turned down the fee both orally and in writing (EXHIBIT 4 <http://www.ombudsman.rs/index.php/lang-sr/2010-04-19-12-12-52/2457-q-q-q-q>)
- Written statement from the web site of the Commissioner for Information of Public Importance and Personal Data Protection <http://www.poverenik.rs/yu/saopstenja/1405-saopstenje-doktora-protiv-korupcije-svesna-namerna-laz.html> (EXHIBIT 5 The Commissioner's Statement) which does not contain the requested information on the existence of the conflict of interest of 4 Government officials in the Work Group nor any reply regarding the suspicion that the fifth member of the Work Group is related to an employee at the Commissioner's Office.

In light of the international financing of the project by EU member-states, the preservation of the integrity of independent institutions and above all, the importance of drafting a quality Whistleblowers Protection Act, which is one of the key requests in the Resolution of the European Parliament for Serbia's potential accession to European Union, we are of the opinion that the Serbian Parliament must take into consideration these facts and posed questions.

S poštovanjem

Predsednik Udruženja  
„Pravo na Zdravlje“

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