

Beograd, 8.juli, 2013.

Beograd, 08 July 2013

G. Aleksandar Vučić

Potpredsednik Vlade RS

Koordinator za borbu protiv korupcije

G. Nikola Selaković,

Ministar pravde Vlade RS

Predmet: Javno tužilaštvo sprečava borbu protiv korupcije u zdravstvu i ugrožava otvaranje pregovora o Poglavljima 23 i 24 Pravnih tekovina EU

Poštovani,

U trenutku otvaranja pregovora za pristupanju Srbije EU, u obavezi smo da Vam ukažemo na opasnost poništavanja značajnih antikoruptivnih rezultata koje ste ostvarili zbog višegodišnje obstrukcije tužilaštva u borbi protiv institucionalne korupcije u zdravstvu.

I u aferi trgovine lekara službe Hitne pomoći grada Beograda sa privatnim pogrebnicima iz 2006.god. kao i u aferi trgovine listama čekanja na radioterapiju na Institutu za onkologiju Vojvodine (IOV) koja je otkrivena 2009.god., nepostupanje tužilaštva u skladu sa zakonom, i pored brojnih dokaza je, pored upornog zataškavanja Ministarstva zdravlja, osnovni uzrok što ovi teški koruptivi slučajevi sa fatalnim posledicama za brojne pacijenta nisu dobili pravosudni epilog.

Medicinska dokumentacija i stručne ekspertize nedvosmisleno pokazuju da je u obe afere počinjeno teško krivično delo protiv zdravlja ljudi zarad nezakonitog bogaćenja.

Javno tužilaštvo u Beogradu uporno odbija da uvaži dokaze o trgovini lekara Hitne pomoći sa pogrebnim preduzećima i kao i službeni izveštaj o teškim posledicama tih koruptivnih dela.

Mr.

Aleksandar Vučić

Deputy Prime Minister of Serbia

Coordinator in Fight Against the Corruption

Mr.

Nikola Selaković, Serbian Justice Minister

Matter: The Public Prosecutor's Office is preventing the fight against the corruption in healthcare system and imperils the opening of negotiations on Chapters 23 and 24 of the *Acquis Communautaire*

Dear Sirs,

At the moment of opening of talks for acceding of Serbia to the EU, it is our duty to point to you to the danger of nullification of anti-corruptive results that we have reached due to long-lasting obstruction by the Public Prosecutor's Office of the fight against institutionalized corruption in healthcare system.

Public Prosecutor's Office (hereafter: „PPO“) has taken no action in regard to corruption scandals at the Belgrade Emergency Casualty Station with the private undertakers (in the year 2006), as well in relation to corruptive affair of trade with waiting lists for radio therapy at the Vojvodina Institute of Oncology (IOV), which was uncovered in 2009. The PPO has not been acting in line with the law, despite plentiful evidence and notwithstanding the persistent cover-ups by the Serbian Ministry of Public Healthcare, is the main reason why these corruption scandals have not got their judicial epilogue.

Medical files and expert analyses confirm beyond any doubt that in both above described scandals, a serious criminal offense against public health had been committed for the sake of obtaining illegal financial gain.

Belgrade PPO stubbornly refuses to examine the evidence brought against medical doctors employed at the Emergency Casualty Station Belgrade related to „trade“ with private undertakers as well to peruse the official report on grave consequences of these corruptive misdeeds.

Javno tužilaštvo u Novom Sadu godinama ne kreće sa istražnim postupkom za aferu u IOV jer im Ministarstvo Zdravlja, kako se cinično žale, uprkos urgencijama, ne dostavlja potrebnu dokumentaciju.

Ignorisanjem, izbegavanjem odgovornosti, zataškavanjem, javno tužilaštvo u opisana dva slučaja zatvara začarani krug u kome veliki broj pacijenata plaća životima nezakonito i nemoralno bogaćenja zdravstvenog rukovodstva zaštićenog političkim vezama.

U oba slučaja pacijentima je bilo uskraćivano pravo na lečenje, iako je zakonom bila zagarantovana medicinska pomoć jer se i za pacijente prvog reda hitnosti kao i za obolele od malignih bolesti sredstva izdvajaju iz Fonda za zdravstveno osiguranje. **Ponašanje tužilaštva u Beogradu i Novom Sadu, zbog podređenosti pravosuđa lokalnim političkim pritiscima teško podriva temelje pravne države. Nema uspeha u borbi protiv koprucije ako javno tužilaštvo podleže političkim pritiscima i koruptivim interesima.**

Napominjemo da opravdana sumnja na kršenje zakona od strane samog tužilaštva sprečava ispunjenje zahteva iz poglavlja 23 i 24 Pravnih tekovina (Acquis communautaire) EU koja se bave pravosuđem, borbom protiv korupcije i ljudskim pravima u procesu predpristupnih pregovora Srbije sa EU.

Stoga tražimo da, u skladu sa vašim ovlašćenjima, preduzmete potrebne mere kako bi tužilaštvo počelo da radi po zakonu kako i ostvario napredak u borbi protiv korupcije u zdravstvu i Srbija približila pravnim standardima EU.

S poštovanjem,

Dr Borko Josifovski

Dr Draško Karađinović

Dostavljeno svim zainteresovanim stranama

PPO in Novi Sad for years now does not initiate criminal investigation of the corruptive affair at Vojvodina Institute of Oncology since, as they joke cynically, „the Ministry of Public Healthcare, despite reminders, is not sending them the required documentation“.

By ignoring the requests for investigation, evading the accountability, and covering-up, the Public Prosecutor's office in the above two cases is closing the vicious circle wherein a large number of patients is paying with their own lives the illegal and immoral enrichment of the public healthcare medical workers who are protected by their political connections.

In both events, the patients were deprived of medical treatment, although, under the law, they had been guaranteed medical help since for the patients of first degree of emergency as well as for cancer patients, the financial means are allocated from the Health Insurance Fund. The attitude of the PPO both in Belgrade and Novi Sad, due to submissiveness of judiciary to local political pressures seriously undermines the Rule of Law in Serbia proper. There will be no success in the fight against the corruption, if the PPO succumbs to political pressures and corruptive interests.

We have to point out that there is reasonable suspicion of the breach of law perpetrated by the very Public Prosecutor's Office itself since it has been preventing the fulfillment of the requirements from Chapter 23 and 24 of *Acquis Communautaire* of EUR which deals with judiciary, fight against the corruption and human rights in the process of pre-accession talks between Serbia proper and the EU.

We therefore ask that you, in line with your powers and authority, take needed steps so that the Public Prosecutor's Office can operate according to the laws of the land and gain momentum in fight against the corruption in healthcare so that Serbia could get nearer to EU standards.

Respectfully yours

Dr Borko Josifovski

Dr Draško Karadjinović

Forwarded to all interested parties

Doctors Against Corruption
Docteurs contre la corruption
ДОКТОРИ ПРОТИВ КОРУПЦИЈЕ
BELGRADE - SERBIA
www.healthcareanticorruption.org