

HEAD OF THE FRAUD INVESTIGATION DIVISION
EUROPEAN INVESTMENT BANK
100 Bd KONRAD ADENAUER
L-2950 LUXEMBOURG

Your ref no. 20110622

Subject: Reporting corruption

Dear all,

Having consideration for and confidence in the good intentions and being satisfied with the fact that that our (broader) area would be connected to the world by means of a good road, we, the local inhabitants, had expected that the accountable individuals, who are learned in the specialities of their professions, would do their job responsibly, especially in relation to the spatial and ecological aspect of designing the Banja Luka – Doboј motorway route.

A shallow insight into the technical documentation (sketch) for construction works in the village of Drugovići and in Hrvaćani did not reveal any larger issues. Namely, issues related to the crossing (intersecting) of the motorway with the existing local roads as well as the intersecting of the motorway with the river channel of the Crkvene River were resolved by adequate bridging (bridges, overpasses, viaducts) and by necessary (short) modifications to the river channel of the Crkvene River.

However, the following occurred for reasons incomprehensible to us:

1. In the area where the local road Drugovići – Kriškovci – Povelić - Srbac intersects with the motorway, an overpass has been built, to connect the intersected local road, in an inappropriate (inadequate) place and direction. Thus, adjusting the purpose and function of the overpass to the existing local road will require a great deal of effort, time and money.

2. As can be seen (in the attachment), the Parcelling Plan (Drugovići), which is the solution to the intersecting of the motorway with the M16 road (the solution has not yet been implemented during the construction works and in accordance with the an extract from the plan of parcelling the Banja Luka – Doboј motorway), envisages that the existing M16 road will be removed from the village and then rebuilt along the motorway route on the north side and that the water course (river channel) of the Crkvene River will be rebuilt along the relocated M16 road. This would be done one next to the other. This act will completely downgrade (erase) the existing appearance of the village to the point of its functionality (existence) becoming uncertain. This uncertainty is increased by the unjustified relocation of the river channel, which implies a large shortening of the natural water course. The shortening will have inconceivable consequences to the related flora and fauna. We assume that the relocation of the road and the river, apart from causing both ecological and functional damage, will also result in high, and therefore not negligible, costs.

3. From the more superficial technical documents (given that the investor did not provide us with documents of the initial and subsequent solutions) and by using the evidence of works already carried out to the motorway route in the area where the motorway intersects the local road, which connects the village of Drugovići to Koljane and Prosjek, Koljin Han, etc., it is visible that the river channel has been filled in the areas where a bridging of the road and the Crkvena River had been planned (and has been executed). This means that a significant (lengthwise) relocation of the river channel is being planned, which will lead to the effects described in section 2 of this letter.

Apart from the aforementioned issues, some other legal issues have been observed that bear traits of conceptual and questionable sensibility and this is reflected on the very essence of what arises from the twisted postulation of the provisions of this Law.

Namely, as a consequence of the need to provide protection for the population in the event of natural disasters (floods, earthquakes, storms), Article 51 Paragraph 1 of the Law on Spatial Planning and Construction provides for the possibility to shorten the procedure for drafting documents in the event of said disasters.

It is incomprehensible why shortening the procedure has been justified for the purposes of providing protection for the population in the event of natural disasters and why this has been used as a basis for parcelling the land for the construction of motorways, which you are financing in this case. We kindly ask you to respond so as to inform us if this practice is permitted and possible in the EU.

Furthermore, the law, which regulates creating a plan by means of shortening the procedure, envisages that the land must be returned to its initial state after there is no longer a need to provide protection for the population after a disaster.

As stipulated in the aforementioned legal provisions (Article 51 of the Law on Spatial Planning and Construction), the construction of motorways is considered to be a disaster that cannot be avoided (reference to construction), according to the law (it seems). However, this (disaster) would occur at a later time, given that the land lies beneath the motorways and cannot be returned to its initial state as in the case of real disasters.

In order to provide a wholesome (more complete) insight into what has been mentioned in this letter, we have attached the relevant correspondence with the Public Enterprise "Autoputevi RS" written in the Cyrillic script, with the hope that someone will be able to read the written texts so as to make this letter more complete and more relevant for understanding and execution.

Thank you.

Attachments:

1. A list of the (disgruntled) local inhabitants (co-submitters)
2. Letter received from the Public Enterprise "Autoputevi RS" dated 07 July 2016
3. Sketch (Extract from the Parcelling Plan) of Drugovići
4. Letter sent to the Public Enterprise "Autoputevi RS" dated 11 July 2016
5. Letter sent to the Public Enterprise "Autoputevi RS" dated 21 July 2016
6. Response of the Public Enterprise "Autoputevi RS" dated 17 July 2016
7. Letter sent to the Public Enterprise "Autoputevi RS" dated 26 July 2016
8. Letter sent to the Public Enterprise "Autoputevi RS" dated 04 August 2016
9. Letter sent to the Public Enterprise "Autoputevi RS" dated 26 August 2016
10. Letter sent to the Public Enterprise "Autoputevi RS" dated 13 September 2016

Submitted by
(signature illegible)