

HRVATSKI ULJUDBENI POKRET -
CROATIAN CIVILIZATION MOVEMENT

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EUROPEAN COMMISSION
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Copy:
Hrvatski Sabor
Odbor za ljudska prava i
prava nacionalnih manjina
Zagreb - Trg sv. Marka 6-7, Croatia
Valentin Pozaić, p. biskup
Zagreb - Kaptol 31, Croatia
USKOK
Zagreb - Gajeva 30.a, Croatia

Subject:
Letters to the European Union
about Chapter number 23.-

Esteemed mr. Füle,

PRIVATE (PROTECTED) PROPERTY DOES NOT EXIST IN THE
REPUBLIC OF CROATIA

(2)

Generally speaking, it is world wide known that private property "... ensures full freedom of use and disposal for its titular...". Roman justice describes classic private property as so called *proprietas*, usually defined like *ius utendi, fruendi et abutendi*, i.e. right of free use and dispose of things". "Legal characteristics of classical private property are: 1. It is absolute, which (in this case, ours) means that it includes all authorizations (...); 2. It is exclusive, i.e. the owner can exclude anyone from exploitation of his ownership (...); 3. It is indivisible and unique (... unlimited use and disposition of property); 4. It is elastic, i.e. the owner, although it does not make any proprietary authorization, however, remains the owner ...". (*Legal Lexicon, 1970. - pp. 909 and 910*)

Yes, this is always the truth, everywhere in the world, except in Republic of Croatia, and in its judicial system, even in spite of its own laws:

Article 30 Paragraph 1 of the Law on Ownership and Other Proprietary Rights (*Narodne Novine (Official Gazette) 91/96*) defines property as "the real right on certain things entitles its holder that with that things and benefits from it do whatever he wants and that anybody else is excluded from it, if it is not contrary to the rights of others and legal constraints."

It is inconceivable, therefore, that some assets and some rights might oppose to its owner as an equal, contrary and confronted, subject. In particular, to feel threatened and victimized by the owner and to ask compensation of damages from the owner.

Yes, this is valid always, everywhere in the world, but in the Republic of Croatia and in its legal system.

It is also inconceivable, that someone else (third) could get compensation from owner for damage that is committed, which he has committed on his property.

(3)

Yes, this is valid always, everywhere in the world, but in the Republic of Croatia and in its legal system.

In the Republic of Croatia, as unaccredited representatives of a comprehensive "Total National property," the Bolshevik political commissars of HDZ (Croatian Democratic Union) and SDP (Social-Democratic Party) in the guise, with the powerful position of authorities of judicial decisions, are deciding about others private - acquired legally - property, like it was theirs, while cruelly chasing its owners. All that, because the property owners have different political opinion and acting differently than this followers of Communist Party of Yugoslavia, respectively "Yugoslav Communist League". Theirs foundations are in the famous articles 37th, 292nd and 337th of the Criminal Law of Croatia which are transferred and built in modern laws from old Yugoslav-Communist laws.

* * *

Tomislav Dragun, PhD has filed criminal charges on July, 13 2010 to the State Attorney - USKOK (no. KPNS-008/10) against the following physical and legal persons: **Mladen Bajić**, Zagreb, Gajeva 30a, **Stjepan Haramustek**, Slavonski Brod, Trg pobjede 7, **State Attorney of RH**, Gajeva 30a, **Vesna Vrbetić**, Zagreb, Trg Nikole Šubića Zrinjskog 3, **Mirko Svirčević**, Slavonski Brod, Tome Skalice 2 i **Snježana Bagić**, Zagreb, Varšavska 3. Quoting:

Undoubtedly we are "gaining cumulatively management rights over the majority stake of the Brodvin JSC (50.39%) as individuals and first defendant Tomislav Dragun as the holder of the "Prisika" Ltd" the major equity owners of the company Brodvin JSC from Slavonski Brod. (Source: The indictment of the County Attorney's Office in Slavonski Brod-K DO-31/01-16 from December, 21 2004.)

Constitution of the Republic of Croatia, Article 48 Paragraph 1 stipulates that "The right of ownership is guaranteed."

(4)

Constitution of the Republic of Croatia, Article 49 Paragraph 1 stipulates that "Entrepreneurial and market freedom are the foundation of Croatian economic system."

European Convention for the Protection of Human Rights and Fundamental Freedoms, Article 1 Paragraph 1 of the Protocol from March, 20 1952, stipulates that "Every physical or legal person is entitled to peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and general principles of international law."

*Despite that, using their official position, members of criminal organization with members: **Mladen Bajić**, the State Prosecutor of Croatia, **Stjepan Haramustek**, County Attorney in Slavonski Brod, **Vesna Vrbetić**, Judge of the Supreme Court, **Snježana Bagić**, Judge of the Constitutional Court, **Mirko Svircević**, Judge of the County Court in Slavonski Brod, and the **State Attorney's Office** (as a legal entity) have usurped my **right of ownership** (listed under Ad 1 of this criminal charges), and, just as Tito's partisans 1945th - **falsely representing themselves - putted themselves in care about that property, and without that they have my** (or anyone from the other equity owners of the company Brodvin JSC Slavonski Brod) **authorization**, filed criminal charges against us and condemning us, **the real owners**.*

*That way (listed under Ad. 3 of these criminal charges) **they were unlawfully seized and appropriated from us our property and disturbed our entrepreneurial activity**, which inflicted with material and moral damage, which was on the July, 13 2010 in amount of **28,937.660,83 Kuna**.*

(5)

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Additionally:

It was adjudicated, with the prison sentence, based on the Article 82 of Criminal Code that the first-defendant Tomislav Dragun Phd, and the second-defendant Marija Dragun, but also and from non-charged, but in the verdict included, companies "Prisika" Ltd, "Dragunov Ured" Ltd and "Financijska Revizija Dragun" Ltd, Zagreb (owned by Tomislav Dragun Phd) confiscation of "illegal" material gain, which they apparently acquired "at the expense of" company "Brodvin" Jsc Slavonski Brod, in the (majority) ownership of Tomislav Dragun PhD and its partners. (The indictment from District Attorney's Office in Slavonski Brod, no. K-DO-31/01-16 from December, 21 2004, the indictment of the County Attorney's Office in Slavonski Brod, no. K-DO-31/01-16 from December, 17 2008, the verdict of the County Court in Slavonski Brod, no. K-32/04 dated January, 8 2009, the verdict of the Supreme Court no. I Kz 282/09-6 from December, 23 2009 and the decision of the Constitutional Court no. U-III -707 / 2010 from May, 6 2010).

For whom the confiscation takes the alleged "illegal" material gain? For "nationwide property", i.e. the Republic of Croatia, and not for - allegedly damaged - the company Brodvin Jsc and its owners. They obviously, for the Croatian judiciary, do not exist.

* * *

At the General Meeting of the company Brodvin JSC Slavonski Brod, held in Zagreb on December, 28 1999 it was concluded that "all decisions taken at the General Assembly of the Company are confirmed for the meetings held in 1996, 1997 and 1998" and that "the reports of external control of the Company cannot be accepted."

Croatian judiciary, of course, is not interested about that. For them private property doesn't exist at all.

(6)

* * *

Dear European gentlemen, we want to say gently, *we are not joining the European Union*, if it means that, as with slaves, Jugo-Bolshevik committee members are going to command any further. Although, if you send tanks on us. After all, you'll see!

* * *

Personal addendum

So was I sentenced to four-year prison sentence, followed by "rubber articles" - article number 292nd and 337th in the connection with article 37th of the Penal Code of the Republic of Croatia and by the verdict of the County Court in Slavonski Brod, ? K-32/04-137 from January 8, 2009, which was confirmed by the verdict of the Supreme Court ? I Kz 282/09-6 from December 23, 2009, although:

a) **there is not a single evidence** that could confirm that I've **encouraged** Mirjana Marinović, the director of the company "Brodvin" Joint Stock Company from Slavonski Brod, to commit the crime, nor I've had any reason for that,

b) what is "crime act": the acquisition of illegal profit in the form of realizing the price difference in the purchase-sale of shares and business stakes. That is **not a criminal offense** according to the Criminal Code of the Republic of Croatia, or by any other legal legislation of Croatia, or by the international law,

c) where I was **prevented from using** the witnesses and expert witnesses of court.

(7)

Also, for the same "crime" my wife was convicted. My companies in Zagreb: "Dragunov ured" Ltd., "Prisika" Ltd. and "Financijska revizija Dragun" Ltd. were convicted, but *they have not even been charged, nor they have been invited to the Court* during the underlying trial court proceedings, *nor their business records has been examined* from which is clearly visible what they did and how they have worked, and whether they actually violated the law.

Regarding this, **but not only this**, me and my wife, *have asked for the political asylum* in the Republic of Slovenia (European Union), and I'm submitting my book *"Zorislav Kaleb, the judge, That's how the justice is carried out - The First Book"* for review.

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I'm expecting your, appropriate and on-time response.

Tomislav Dragun, PhD
Research Associate
Qualified and certified
financial auditor

