

Letter from the local community in the Serbian town Vreoci to the EBRD

MZ Vreoci, opština Lazarevac
Republika Srbija
Date: 5.07.2011.

For: The European Bank for Reconstruction and Development (EBRD) – to Directors

Subject: request to postpone the decision on loan for the Environmental Improvement Project at the Kolubara Mine Basin in Serbia

Dear Sir/Madame,

We, representatives of the local community in Vreoci, are addressing you in regard with the prepared project to be financed by EBRD: the Environmental Improvement Project at the Kolubara Mine Basin in Serbia, project of EUR 140 million worth, e.g. social impacts of this project related to the relocation of households and settlements at Kolubara mining basin.

We request postponing your decision for certain time of this loan for the Electric Power Company of Serbia (EPS) and consequently to the Government of Serbia (that is giving guaranties for the loan) as the one of the most important request in preparation and approval process of this project is not being fulfilled, which is full implementation of the Plan of relocation of populated place Vreoci on sustainable and acceptable way for Vreoci citizens.

Despite the existence of two planning documents:

1. The Programme for setting the framework for relocation of the settlement Vreoci of 12.11.2007., and
2. The General Regulation Plan for the Settlement Vreoci of 17.12.2008.

in which there are defined principles of relocation (collective relocation) with whom in general the citizens of Vreoci are agreed, we would like to point on the irregularities made so far in their implementation, on the corruption and misuse of the funds aimed for relocation of the people in Vreoci, violation of the laws and the Serbian Constitution, on the delays in the implementation, which altogether represents unacceptable violations of the rights of the concerned stakeholders in the consultation process and implementation of the relocation programme.

People in Vreoci are confused, they live in uncertainty and in fear, as the media have produced picture of their totally groundless opposition to relocation which is at the

end endangering electric energy security and production of the electric energy in the whole Serbia.

Currently in Serbia there is huge investigation against corruption activities and robbery in EPS. Considering this we have position that EBRD can not continue with the approval process for this loan until this investigation finalizes and reveal the corruption case related with the Vreoci settlement relocation, as we might end up in fraud, with no financial means for the sustainable relocation, in forced resettlement (according to existing practice in Serbia).

Short review of main violations and irregularities:

1. The Serbian Ombudsman has concluded that allegations and complaints made by citizens of Vreoci are justified and confirmed violations of the Serbian laws and Constitution in his Recommendation No. 8260 dated on 21.04.2011.

2. In our letter to the Minister for Environment, Mining and Spatial Planning dated on 30.05.2011. we reiterated our decisions from the public hearings held in 2006 and 2007 that we are not in consent with the proposed locations "Lazarevac 2" for cemetery and location "Rasadnik" for the settlement (for us unacceptable locations) and that those locations are forced solutions, despite our publicly stated needs and request for relocation of the whole settlement to location „Petka”.

3. Until now no location is provided with the necessary infrastructure for collective relocation of Vreoci, and thus no conditions are set for the acceptable relocation.

4. Activities so far conducted on the land acquisition are showing that there is no process of relocation but of resettlement and that there is no possibility for relocation of our main objects of public importance such as: Culture House, Post office, House of pensioners, Youth House, ambulance building, playgrounds, kindergarden, local fair , sport hall, shopping mall, veterinary station, local cemetery and the church, which is very important for us.

5. Process of assessing economic value of citizen's assets is particularly problematic. The value of the land is not being assess according to the Law on expropriation on the basis of tax decisions issued by the Tax Administration, but trough the findings of the mixed commission formed from representatives of the municipality and EPS, while the property –object on the land is being estimated by the City Center for Expertise in Belgrade who is in contract relations with the EPS; the situation which leads to undervaluation of property in Vreoci as the City Center for Expertise is paid by the EPS and biased. In both cases, it is conflict of interests and it is not logical that our assets and land is being assessed by the user of land acquisition. In addition, we do not have rights on separate and independent assessment done by the court expert because of this situation explained above.

6. Concerning the relocation of the local cemetery, process of expropriation has already started quite ago, while the user –the EPS– have not assured citizens of Vreoci and have give no guaranties that our rights will be respected in the procedure together with our deep concerns, values and emotions. Moreover, EPS has started signing of Contracts on (cemetery) displacement conditions with the physical persons that are not legally holders of the rights on grave use in Vreoci, which is setting the conditions for excavation of bodies in the settlement's cemetery without consent from the true holders. By doing like this, EPS will conduct grave breach (Art. 354 of the Criminal Law of Serbia). Because of these concerns, we wrote to Serbian Ombudsman and started several cort cases on several instances which are still ongoing. Also, EPS has incorrectly stated the number of 4000 graves in Vreoci cemetery both in media and in official documents while we have received number of 8906 buried from the Archive Institution in City of Belgrade, and the Belgrade Administration (official data from the Book of deaths for period from 1837 to 2009). Citizens are in fear that more then half of our deceased will be forgotten, not evidenced, not respected and excavated violently without right on exhumations and church ceremony.

Despite the above mentioned since 04.07.2011. at 4.00 in the morning our cemetery has been occupied with approximately one thousand policeman, not allowing access to Vreoci citizens even for religious service, as the forced excavation of bodies has started.

Moreover, to be worse, this excavation is being conducted in summer time, during high temperatures, which is outrageous as the sanitary regulation is violated, as all of this is endangering health of our citizens, as the cemetery is located near the centre of the settlement.

We are also stressing that the primary school of 500 children is few hundred meters away from the cemetery, while the EPS will be conducting excavations in the next one year thus coinciding with the school activities. If this happen, our children will be exposed to infection risk as the excavations will be conducted also on the graves formed recently –for which did not pass mandatory resting period.

7. Citizens of vreoci do not have basic living conditions, because in addition to enormous pollution of land, air and water (coal dust, ash, sewage sludge, industrial waste) we face with the drinking water scarcity due to drying of wells, caused by mining activities, which is outrageous considering guaranties of citizens rights according to the international conventions and the national legislation quoted in the alien 1, of the chapter 2, point 2 of the General Regulation Plan for the Settlement Vreoci of 17.12.2008, and considering respect for the right to a healthy environment in accordance with Article 37 EU Charter and Article 74 Constitution of the Republic of Serbia. The above mentioned regulation plan have proclaimed the entire territory of the local community of Vreoci as pit surface, and we are excluded from solving our living problems until relocation.

Recommendations, conclusions and requirements:

- We want to point out clearly that it is only acceptable for us collectively to relocate on other place to ensure the preservation of our cultural and historical and spiritual heritage and identity and continuity of existence of our community also after the relocation, in accordance with the planning documents related to relocation, in which the EPS and the Serbian government took over that responsibility.
- We do NOT accept here on us application of well-established policy of bringing a fait accompli, which has been repeatedly applied in Serbia the cases of displacement) (Roma settlements in Belgrade, Corridor 10 in southern Serbia, and in many other cases of displacement for the construction of large buildings and other infrastructure objects)
- We request from the EBRD to postpone the decision on granting this loan, to provide monitoring of current state of the relocation in settlement of Vreoci, and send its delegation in Vreoci to ensure to citizens their rights guaranteed with the standards of EBRD and international legislation and laws of Serbia.

Yours respectively,

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