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### **VSS: DAVINIĆ POD ISTRAGOM!**

Vrhovni sud naredio pokretanje istrage protiv bivšeg ministra odbrane Prvoslava Davinića, koji se tereti da je potpisivanjem ugovora o zakupu špijuskog satelita oštetio državu za 44,9 miliona evra!



***Predsednik SCG i ministar najodgovorniji za skandalozan ugovor... Svetozar Marović i Prvoslav Davinić***

Vrhovni sud Srbije naložio je juče da se sprovede istraga protiv bivšeg ministra odbrane Prvoslava Davinića zbog sumnje da je zloupotrebio službeni položaj i da je u „aferi satelit“ oštetio državu za desetine miliona evra potpisujući ugovor sa izraelskom firmom „Imidžset“! Davinić je 4. juna 2005. bez ovlašćenja Saveta ministara SCG potpisao ugovor o zakup satelita vredan 45 miliona evra.

Iako ovaj ugovor nikada nije zaživeo, izraelska kompanija tužila je Srbiju međunarodnoj arbitraži u Londonu.

Press on line, April 17<sup>th</sup> 2009.



### **SCS<sup>1</sup>: DAVINIĆ UNDER INVESTIGATION!**

The Supreme Court ordered the opening of investigation against the former Minister of Defense Prvoslav Davinic, charged with that by signing a contract for the lease of a spy satellite has inflicted damage to the state of 44.9 million Euro!



***The President of SMN and Minister are the most responsible for the scandalous contract ... Svetozar Marović and Prvoslav Davinić***

The Supreme Court of Serbia ordered yesterday for investigations to be opened against the former Minister of Defense Prvoslav Davinić on grounds of suspected abuse of authority, and that in the “Satellite” affair he inflicted damage to the state to the tune of tens of thousands of Euro, signing a contract with the Israeli company “ImageSat”! On June 4 2005, Davinić, without being authorized by the Council of Ministers of SMN, signed the contract on the lease of the satellite worth 45 million Euro.

Although this contract never entered in force, the Israeli company sued Serbia before the International Arbitration in London.

<sup>1</sup> Translator's note – SCS (VSS): Supreme Court of Serbia (Vrhovni sud Srbije).

## Žalba u Londonu

Press je pre tri nedelje prvi objavio da je naša država izgubila ovaj spor i da izraelskoj kompaniji sada treba da platimo 37 miliona evra odštete! Država je u međuvremenu na ovaj slučaj stavila oznaku „državna tajna“.

Jedan od razloga zbog kojih je Srbija izgubila spor u Londonu jeste i taj što Davinić nikada nije osuđen u Srbiji zbog potpisivanja ovog ugovora! Istražni sudija u ovom postupku, bivši sudija rasformiranog Vojnog suda Vuk Tufegdžić, dva puta je odbijao da pokrene istragu protiv Davinića jer, prema njegovom mišljenju, za to nije bilo osnova! Međutim, Vrhovni sud je juče, konačno, naložio da se istraga protiv Davinića pokrene!

Sagovornik Pressa iz Vlade Srbije, koji je insistirao na anonimnosti, kaže da, i pored odluke međunarodne arbitraže, „Srbija još nije konačno izgubila ovaj slučaj“.

- Da je proces protiv Davinića u Srbiji već okončan i da je on osuđen za koruptivni pravni posao, sve bilo bi drugačije. Srbija verovatno ne bi bila ni dužna da nadoknađuje štetu. Ali, konačnom istragom protiv Davinića i dokazivanjem da je on kriv Srbija će poboljšati svoje šanse da drugostepena odluka suda u Londonu bude drugačija. I, na kraju, istraga protiv Davinića treba da bude pokrenuta jer svako u našoj zemlji mora da odgovora ukoliko je počinio krivično delo - tvrdi izvor Pressa. On dodaje da je izraelska strana svesna da Srbija nema 37 miliona evra da im isplati i da su spremni na dogovor.

- Paralelno s tim, Srbija je podnela žalbu pred redovnim sudom u Londonu, u kojoj tvrdimo da arbitražni sud nije mogao da bude nadležan u ovom sporu. Međutim, šanse u našu korist su minimalne - priznaje sagovornik Pressa.

## Davinić: Nameštaljka

S druge strane, Prvoslav Davinić, na vest o pokretanju istrage za „ aferu satelit“, kaže za Press da je reč o političkom procesu koji protiv njega vodi „čovjek koji je u to vreme bio ministar u vladi“, ne želeći da navede njegovo ime.

- Ovakva odluka Vrhovnog suda je rezultat političkih pritisaka određene domaće interesne

## Appeal in London

Three weeks ago, Press first published that our state had lost this dispute and that now we must pay to the Israeli company damages worth 37 million Euro! In the meantime, the state classified this case as “state secret”. One of the reasons why Serbia lost the dispute in London is that Davinić was never convicted in Serbia for signing this contract! The investigative judge in this procedure, the former judge of the dissolved Military Court Vuk Tufegdžić, had twice refused to open investigation against Davinić, because, according to his opinion, for this there were no grounds! However, the Supreme Court yesterday finally ordered opening of investigation against Davinić.

A person from the Government of Serbia, who insisted on anonymity, whom Press spoke to, says that, in spite of the decision of the Arbitration, “Serbia has still not lost this case”.

- Had the process against Davinić in Serbia already ended and he convicted for corrupt business dealing, everything would have been different. Serbia probably would not be obliged to compensate damages. But, with the opening of the final investigation against Davinić, proving that he was responsible, Serbia will upgrade the chances for the decision of the second instance of the court in London to be different. And, finally, the investigation against Davinić should be opened because everyone in our country must be accountable if he commits a crime – states the Press source. He adds that the Israeli side knows that Serbia does not have the 37 million Euro to pay them and that they are ready for agreement.

- Parallel to this, Serbia has submitted an appeal before the regular court in London, in which we state that the arbitration court had no jurisdiction in this case. However, chances to our benefit are minimal – admits the person Press spoke to.

## Davinić: Set up

On the other hand, Prvoslav Davinić, on the news of opening investigation in the “Satellite affair”, says to Press that this is a political trail which is conducted against him “by a man who at the time was a minister in government”, not wishing to disclose his name.

- This decision of the Supreme Court is the

grupe, a o kojoj je reč pokazaću na sudu, koja od samog početka nastoji da pokrene istragu da bi opravdala svoj pristanak na vođenje međunarodne arbitraže s ciljem da je izgubi. A istraga će pokazati da sa izraelskom firmom nije zaključen bilo kakav obavezujući ugovor - kaže Davinić.

Davinić je potvrdio da je na ovom ugovoru olovkom dopisao i „uslov” da će ugovor biti validan tek kada ga odobri Savet ministara, koji to nikada nije uradio. Međutim, ugovor sa Davinićevom napomenom nikad se nije pojavio na arbitraži u Londonu.

### **EKIPA PRESSA**

- Rekli smo im da nam, u suštini, odgovara ugovor, ali da klauzulu da je u slučaju spora nadležno englesko pravo, odnosno arbitražni sud, treba da provere naši pravni stručnjaci. To nije bio ugovor, već samo papir, bez pečata i delovodnog broja. Rekli smo im i da Savet ministara SCG neće biti potpisnik jer nema para, već firma „Jugoimport”. Plan je bio da „Jugoimport” proda višak naoružanja i time plati zakup satelita, ali do toga nije došlo - kaže Davinić.

### **Ministar i predsednik Ugovor od 45 miliona potpisali u hotelu!**

Ugovor o zakupu satelita između SCG i izraelske firme „Imidžset”, vredan 45 miliona evra, tadašnji ministar odbrane Prvoslav Davinić potpisao je u sobi hotela u Parizu! Prema saznanjima Pressa, potpisivanju ovog ugovora prisustvovao je i predsednik SCG Svetozar Marović. Međutim, Davinić trvdi da u tom hotelu nije potpisan ugovor, već samo njegov nacrt!

result of political pressures of a certain domestic interest group, and which group is in question will be revealed before the court, which from the very beginning is attempting to initiate procedure to justify its accord to have international arbitration with the aim of losing. But the investigation will show that no binding contract was concluded with the Israeli company – says Davinić.

Davinić confirmed that on this agreement in pencil he also added “condition” that the contract will be valid only when the Council of Ministers approves it, which it never did. However, the contract with Davinić’s s remark never showed up at the arbitration in London.

### **THE PRESS TEAM**

- We told them that in essence, the contract is acceptable to us, but that the provision that in case of dispute English Law would apply should be checked with our legal experts. This was not a contract, but only a paper without a stamp and documentation number. We also told them that the Council of Ministers will not be the signatory as there was no money, rather the “Jugoimport” company. The plan was for “Jugoimport” to sell surplus weaponry and with that pay the lease of the satellite, but it never came to be – says Davinić.

### **Minister and President signed a Contract worth 45 million in a hotel!**

The agreement for leasing the satellite between SMN and the Israeli company “ImageSat”, worth 45 million Euro, the then Minister of Defense Prvoslav Davinić signed in a room in a hotel in Paris! According to the information Press has, the President of Serbia and Montenegro Svetozar Marović was also present at the signing of this contract. However, Davinić states that in the hotel the contract was not signed, but only a draft!