

CERTIFIED TRANSLATION FROM SERBIAN INTO ENGLISH

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(Coat of Arms)

Notification: (This translation is an abstract from the judgement)

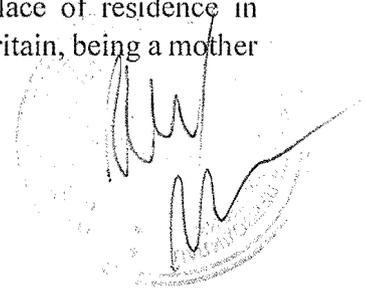
REPUBLIC OF SERBIA  
HIGHER COURT IN BELGRADE  
Number: K.127/2014  
Date: June 18, 2018.  
BELGRADE  
Street: Katanićeva no.15.

IN THE NAME OF PEOPLE

HIGHER COURT IN BELGRADE, in the panel comprised of the judge Slavica Nikolić, as the president of the panel and the lay-judges Milijana Jovičić and Ivana Miloradović, as the members of the panel, with the court clerk Slađana Rajković, in the criminal proceedings against the defendant Dubravka Đorđević, defendant Aleksandra Gavrilović and defendant Đurđa Prica, whose counsellors at law are being the attorneys Zdenko Tomanović and Zara Tijanić Jeftović, the defendant Duško Nikitović whose counsellor at law is the attorney Dejan Dobrosavljević, the defendant Vojin Manasijević, whose counsellor at law is being the attorney Zoran Pavlović, the defendant Maja Šteger whose counsellor at law is being the attorney Olivera Budakov, who are being prosecuted by the Superior Public Prosecution in Belgrade under the indictment Kt.no.734/10 as of February 3, 2011, which is being elaborated on July 25, 2017, and these are being: Dubravka Đorđević, defendant Aleksandra Gavrilović and defendant Đurđa Prica due to one prolonged criminal act of the malfeasance of the responsible entity from the Article 234, paragraph 3 in relation to the paragraph 1 of the Criminal Code, in co-perpetration in relation to the Article 33 and 61 of the Criminal Code, defendant Dubravka Đorđević, defendant Aleksandra Gavrilović, defendant Đurđa Prica and defendant Maja Steger due to one criminal act of the malfeasance of the responsible entity from the Article 234, paragraph 3 in relation to the paragraph 1 of the Criminal Code, in co-perpetration in relation to the Article 33 of the Criminal Code, defendant Duško Nikitović and defendant Vojin Manasijević due to one one prolonged criminal act of the malfeasance of the responsible entity from the Article 234, paragraph 2 in relation to the paragraph 1 of the Criminal Code, upon the held main hearing on June 12, 2018, in the presence of the deputy of the Superior Public Prosecutor, Ljubica Veselinović, defendants and their attorneys, unanimously rendered on June 18, 2018 and on the same day announced the following:

JUDGEMENT

The defendant ĐORĐEVIĆ DUBRAVKA, father's name Tomislav, mother's name Natalija, born on December 30, 1978 in Sremska Mitrovica, with the place of residence in Radnička 28 St. in Novi Sad, a citizen of the Republic of Serbia and Great Britain, being a mother



of two children, occupation an economist, literate, with a Degree from the School of Economics, a person of a previous good character, no criminal proceedings are being pending against her, personal number 3012978895017,

Defendant ALEKSANDRA GAVRILOVIĆ, father's name Dušan, mother's name Zagorka, born on November 1, 1980 in Loznica, with the place of residence in Kisačka no.25/153 St., Novi Sad, a citizen of the Republic of Serbia, married, a mother of one child, as for occupation a Bachelor of Arts in Law, literate, with the Degree from the Law Faculty, a person of a previous good character, no criminal proceedings are being pending against her, personal number 011198078610,

Defendant Đurđa Prica, father's name Sava, mother's name Kata, mother's maiden name Hajduković, born on October 11, 1965 in Otočac, Republic of Croatia, with the place of residence in Novosadskog sajma number 12 St., Novi Sad, a citizen of the Republic of Serbia, with a Degree from the School of Economics, single, literate, graduated from the Faculty of Economics, a person of a previous good character, no criminal proceedings are being pending against her, personal number 1110965355638,

Defendant Maja Šteger, father's name Valentin, mother's name Sofija, mother's maiden name Trbojević, born on May 31, 1963 in Novi Sad, with the place of residence in Narodnog fronta no.76 St, Novi Sad, a citizen of the Republic of Serbia, a Bachelor of Science in Economics as for occupation, single, literate, graduated from the Faculty of Economy, a person of a previous good character, no criminal proceedings are being pending against her, personal number 3105963805036,

Defendant Duško Nikitović, father's name Svetislav, mother's name Jelisavka, mother's maiden name Kasalica, born on March 27, 1966 in Nikšić, municipality of Nikšić, with the place of residence in Pap Pavla no.29 St, Novi Sad, a citizen of the Republic of Serbia, as for occupation a geologist, married, a father of one child, literate, with the degree from the Secondary school for geology, a person of a previous good character, no criminal proceedings are being pending against him, personal number 2703966260031,

Defendant Vojin Manasijević, father's name Radomir, mother's name Vukosava, mother's maiden name Ristić, born on September 3, 1950 in Belgrade, municipality Savski Venac, with the place of residence in Vojvode Stepe no.112 St., Belgrade, a citizen of the Republic of Serbia, a Bachelor of Science in Mechanical Engineering as for occupation, married, a father of two children, literate, with a Degree from the Faculty for Mechanical Engineering, a person of a previous good character, no criminal proceedings are being pending against him, personal number 0309950710145,

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Pursuant to the Article 423, item 2 of the Law on Criminal Proceedings are

ACQUITTED

That they:

In the period from from June 25, 2007 to December 29, 2009, in Belgrade, in the premises of the Company "Ribarsko gazdinstvo Beograd" in 2-a Patrijarha Joanikija St., in soundness of judgment state, completely aware of their act, that the very same is forbidden and wishing its perpetration, as responsible entities, by using their official position and going beyond their powers of authorization, they obtained, for the benefit of the Company DTD "Ribarstvo" from Bački Jarak, whose majority owner was the deceased Đorđević Tomislav, against whom the procedure has been terminated, undue profit which amounts above the sum of 1.500.000, 00 rsd, since they, during 2007 brought numerous decisions related to the lease i.e. they concluded the contracts on the lease of the business premises of "Ribarsko gazdinstvo Beograd" DTD "Ribarstvo", during 2008 and 2009 .year, brought decisions by means of which, they alienated assets of "Ribarsko gazdinstvo Beograd" in relation to DTD "Ribarstvo" and these are being in 2008. year, assets in the amount of 151.829.787,93 rsd or 38, 89% in relation to the value of the nominal assets on the day of December 31, 2007, and in 2009. year the value of the alienated assets amounted to 95.869.347, 60 rsd or 14,75% in relation to the value of the nominal assets on the day of December 31, 2008. year, which is being contrary to the provisions of the Contract on the sale of the social capital of "Ribarsko gazdinstvo Beograd" as of June 4, 2007 year, item 5.3.3., by means of which it was being envisaged that the buyer will not, until the final payment of the sales price, alienate any of the nominal assets in one year in the amount of more than 10%, i.e. for the whole period, not more than 30%, calculated upon the value of the last balance statement, thus :

I

**Đorđević Dubravka, Gavrilović Aleksandra and Prica Đurđa**

Đorđević Dubravka as a president of the Managing Board of "Ribarsko gazdinstvo" Belgrade, Gavrilović Aleksandra and Prica Đurđa as members of the Managing Board of the Company "Ribarsko gazdinstvo" Belgrade and at the present moment, the deceased Popović Veselinka in relation to whom the procedure has been terminated, in the capacity of the General Manager of this Company,

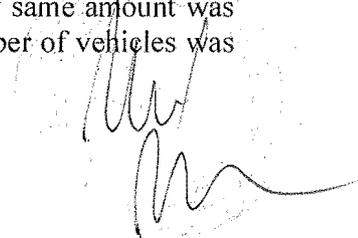


1. On December 18, 2008, Đorđević Dubravka, Managing Board, consisting of Đorđević Dubravka, Gavrilović Aleksandra and Prica Đurđa, brought the decision that the Company "Ribarsko gazdinstvo", stock company from Belgrade should sell a part of the Company's property thus, on the basis of this very decision, at the present moment, the deceased, Popović Veselinka, on December 22, 2008, concluded the sales agreement no. 081222/1 and Annex no.1 of this sales contract according to which "Ribarsko gazdinstvo" Belgrade delivered to DTD "Ribarstvo" immovable properties, located in Belgrade in 2-a Patrijarha Joanikija St., facility B which consists of 3 cooling chambers, spatial area 208, 40m<sup>2</sup>, 207,50 m<sup>2</sup> and 118, 50m<sup>2</sup>, manipulating corridor 133, 40m<sup>2</sup>, tunel for deep freezing 16,90m<sup>2</sup>, halls with compressor plants 82, 68 m<sup>2</sup>, everything with the overall spatial area of 866,93m<sup>2</sup> with the land lots of the overall spatial area of 2.500m<sup>2</sup>, as well as given for regular usage until the existence of the very same facility, the Plateau and roads of the spatial area of 4.000m<sup>2</sup> for the overall mutually contracted sales price in the amount of 43.369.000, 00 rsd, however, at the same time, within the sales contract the following were not included; premises for fish processing of the spatial area of 148, 83 m<sup>2</sup>, and storage unit of the spatial area of 9, 65m<sup>2</sup> i.e. 158, 48m<sup>2</sup> which represents the entirety of the facility and the very same represents the integral part is factually the subject of the sale; thus, in the very manner, the value of the facility has been decreased for the amount of 7.924.000,00rsd (158, 48 times 50.000,00 rsd upon the estimate of "Vukadinović"), that is being the manner by means of which the market value of these facilities was estimated in the amount of 52.973.808,00 rsd, and thus, material gain against the law has been obtained for DTD "Ribarstvo" in the amount of 9.604.808,00rsd, and, as well, within the price was not included the land lot of the spatial area of 4.000m<sup>2</sup>, and the estimated market value of the very same is 40.000.000,00 rsd, as well as the manipulation facilities in **Aleksinac** in the area of Cadastre Municipality Vakup in the overall amount of 11.178.975,00 rsd, whereas the estimated market value, alongside the land is 13.159.367,50 rsd, and, in that very manner, material gain against the law has been obtained for DTD "Ribarstvo" in the amount of 1.980.394,50 rsd, immovable properties in **Čačak** for the overall contracted sales price in the amount of 7.708.790,00rsd, whereas the estimated market value of these facilities was estimated in the amount of 17.817.840,00rsd, on the basis of which, material gain against the law has been obtained for DTD "Ribarstvo" in the amount of 10.109.050,00 rsd,, immovable properties in **Jagodina** the overall contracted sales price in the amount of 6.776.450,00rsd, whereas the estimated market value of these facilities was estimated in the amount of 13.559.470,00 rsd, on the basis of which, material gain against the law has been obtained for DTD "Ribarstvo" in the amount of 6.783.020,00rsd; in the overall, obtaining material gain against the law for DTD "Ribarstvo" in the overall amount of 68.477.272, 50 rsd.
2. On March 16, 2009, Managing Board, consisting of Đorđević Dubravka, Gavrilović Aleksandra and Prica Đurđa, brought the decision **to sell** mounting facilities in different places in Serbia, and in relation to the very decision, at the present moment, the deceased, Popović Veselinka, on March 17, 2009, concluded the Sales Contract no.090317/2 between "Ribarsko gazdinstvo", stock company Belgrade as a seller



and DTD "Ribarstvo", llc, as a buyer, where, by means of the sales contract their appeared the immovable properties in Belgrade: a mounting facility of the spatial area of 15m<sup>2</sup> at the market in Belgrade on Smederevski deram, a mounting facility of the spatial area of 23m<sup>2</sup> mounted at the market place on Kalenić market, a mounting facility of the spatial area of 30m<sup>2</sup> mounted at the market place on Banovo brdo market, another mounting facility of the spatial area of 33m<sup>2</sup> mounted at the market place on Banovo brdo market, a mounting facility of the spatial area of 37m<sup>2</sup> mounted at the market place in Zemun market, a mounting facility of the spatial area of 30m<sup>2</sup> mounted at the market place on Karaburma market, as well as a mounting facility at the green market in Čačak, and the very same facilities were sold to DTD "Ribarstvo" for the overall amount of 3.720.000,00rsd, whereas their estimated market value is 5.097.900,00 rsd, and in the very manner material gain against the law has been obtained for DTD "Ribarstvo" in the amount of 1.377.900,00rsd, and afterwards the constructed facilities in Smederevo of the spatial area of 64m<sup>2</sup>, in Smederevska Palanka of the spatial area of 65m<sup>2</sup>, in Despotovac of the spatial area of 46m<sup>2</sup>, in Svilajnac of the spatial area of 26m<sup>2</sup>, in Velika Plana of the spatial area of 38m<sup>2</sup>, in Kruševac of the spatial area of 41m<sup>2</sup>, in Trstenik of the spatial area of 42m<sup>2</sup>, in Kraljevo of the spatial area of 52m<sup>2</sup>, in Sremska Mitrovica of the spatial area of 85m<sup>2</sup>, and those facilities were sold to DTD "Ribarstvo" for the overall amount of 5.316.000,00 rsd, whereas their estimated market value is 8.648.000,00 rsd, and in the very manner material gain against the law has been obtained for DTD "Ribarstvo" in the amount of 3.332.000,00rsd, i.e. the overall whereas the estimated market value of these facilities was estimated in the amount of 17.817.840,00rsd, on the basis of which, material gain against the law amounts to 4.709.900,00 rsd,,

3. On May 28, 2009, Managing Board comprised of Đorđević Dubravka, Gavrilović Aleksandra and Prica Đurđa brought the decision in relation to the performance of the sale of the overall number of 20 heavy goods and driving vehicles to the Company DTD "Ribarstvo", whereas in relation to the very same, at the present moment, the deceased, Veselinka Popović, as the General Manager of the Company RGB signed on the very same day two sales contracts regarding the sale of the vehicles, number 2458 and 2459, and these are the following: driving vehicle of Scania brand, number plate BG 874-019, Omar SRL, number plate BG 107-85, Zastava turbo zeta, number plate BG 552-454, Zastava turbo zeta, number plate BG 614-155, Zastava 79, number plate BG 107-227, Scania, number plate BG 874-451, VWLT, number plate BG 656-118, Ford transit, number plate BG 848-031, Reno Kango, number plate BG 853-154, Reno Kango, number plate BG 858-322, Reno Kango, number plate BG 853-153, Reno Kango, number plate BG 853-155, VW Pasat, number plate BG 615-871, Skoda Fabia, number plate BG 631-851, Hyundai Getz, number plate BG 841-916, Hyundai Getz, number plate BG 841-917, Hyundai Getz, number plate BG 841-915, Skoda Fabia, number plate BG 631-819 and Zastava 101 Skala, number plate BG 725-806, and that was by means of settlement per contra on June 19, 2009, the very same amount was entered on the statement of KBC bank, out of which greater number of vehicles was



sold for the lower price in comparison to the estimated value, which amounted, on the day of the sale, for all the vehicles, to 25.386.838, 00 rsd, however, it was sold for 23.174.329, 00 rsd thus gaining undue profit for Company DTD "Ribarstvo" in the overall amount of **2.212.509,00 rsd.**

4. On June 29, 2009 at the session of the Managing Board comprised of Đorđević Dubravka, Gavrilović Aleksandra and Prica Đurđa, decision was brought in relation to the performance of the sale of the facilities in Cadastre Municipality **Kneževac** to the Company DTD "Ribarstvo", whereas in relation to the very same, at the present moment, the deceased, Veselinka Popović, on July 1, 2009, as the General Manager, concluded the sale contract no.090701/1 and afterwards the Annex to the sales contract on February 16, 2010, according to which "Ribarsko gazdinstvo" sold to the DTD "Ribarstvo" facilities like garages, workrooms, warehouses and a right on permanent usage of the land on 11 cadastre land lots in Cadastre Municipality Kneževac for the overall mutually contracted sales price in the amount of 50.000.000, 00 rsd although it was estimated that the estimated market value of the subject matter immovable properties (plateu, facilities and land) amounted to 76.705.400, 00 rsd and in that very manner undue profit was obtained for DTD "Ribarstvo" in the overall amount of **26.705.400,00 rsd**

**- Thus, they would perform one criminal offence in relation to the abuse of the official position in the prolonged duration of the entity in charge from the Article 234, para. 3 in connection to the para.1 of the Criminal Code in co-perpetration in relation to the Articles 33 and 61 of the Criminal Code.**

## II

### **Đorđević Dubravka, Gavrilović Aleksandra, Prica Đurđa and Šteger Maja**

On August 25 and 26, 2009 in Belgrade, Đorđević Dubravka as the president of the Managing Board of "Ribarsko gazdinstvo" and Gavrilović Aleksandra, Prica Đurđa and Šteger Maja as members of the Managing Board of the Company "Ribarsko gazdinstvo" stock company from Belgrade, brought on August 25, 2009, the decision that four vehicles of the brand Ford transit van, year of production 2007, should be offered for a sale to the Company DTD "Ribarstvo", although the aforementioned vehicles entered in the company as an obligatory investment on the side of the buyer, thus, the General Manager of the Company "Ribarsko gazdinstvo", at the present moment, the deceased, Veselinka Popović, on the basis of the aforementioned decision of the Managing Board, gave the order for the sale of the aforementioned vehicles and that is for the amount of 4.819.120,00 rsd, although the book value of each vehicle on August 26, 2009 amounted to 1.677.834,00rsd, i.e. in the overall amount of 6.711.336,00 rsd, thus, the undue profit was obtained for DTD "Ribarstvo" in the overall amount of 1.892.216,00rsd, and in that very manner, the obligatory investment, envisaged by the Contract on sale of the social capital, was unreasonable.



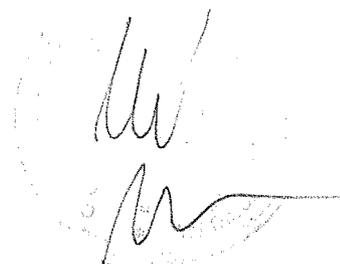
- Thus, they would perform one criminal offence in relation to the abuse of the official position from the Article 234, para. 3 in connection to the para.1 of the Criminal Code in co-perpetration, in relation to the Article 33.

### III

#### Nikitović Duško and Manasijević Vojin

In the period from June 25, 2007 to September 28, 2007 in Belgrade, Nikitović Duško as a General Manager of this Company and Manasijević Vojin as a technical manager of maintenance, investments and safety at work of the Company "Ribarsko gazdinstvo", stock company Belgrade, concluded the contracts on lease of the business premises of the "Ribarsko gazdinstvo", thus:

1. On June 25, 2007, the Contract was concluded on usage of the warehouse premises for indefinite time period, between "Ribarsko gazdinstvo", stock company Belgrade and DTD "Ribarstvo", stock company, number 883/1, by means of which "Ribarsko gazdinstvo" obliged itself that it would receive and preserve within its warehouse a cooling unit for the storage of the frozen fish in Belgrade in 2-a Patrijarha Joanikija St., frozen sea fish upon the order of DTD "Ribarstvo", emphasizing only the overall size of the premises of 4.675, 2 m<sup>3</sup>, and for the very same obligation DTD "Ribarstvo" had an obligation to pay 10.000, 00rsd on the monthly basis, and the very premises are actually cooling units of the spatial area of 208, 40 m<sup>2</sup>, 307, 50m<sup>2</sup> and 350m<sup>2</sup>, with the usable spatial area of 2.537m<sup>3</sup>, for which real monthly rent should amount to 474.122,00rsd, which, in the overall, for the period from June 25, 2007 until September 27, 2007 amounted to 1.422.366,00rsd, and in that very manner an undue profit was obtained for DTD "Ribarstvo" in that very period, and on September 27, 2007, a new lease contract was concluded between DTD "Ribarstvo" and "Ribarsko gazdinstvo", number 3840/4 relating to the warehouse and that is of the manipulative corridor of the spatial area of 133,40m<sup>2</sup>, tunnel for deep freezing of the spatial area 16,90m<sup>2</sup>, now with the compressor plant of the spatial area of 82,68m<sup>2</sup> and the aforementioned cooling units of the spatial area of 208, 40m<sup>2</sup>, 307,50m<sup>2</sup> and 350m<sup>2</sup> for the overall monthly lease of 250.000, 00 rsd, which, regarding the fact that the matter in question are the cooling units, as useful storage would amount to 3.463,60m<sup>2</sup>, thus, the overall lease for the period from October 1, 2007 until December 22, 2008, alongside real monthly lease of 648.400, 00rsd, would amount to 9.726.060,00 rsd, and in that very manner undue profit was obtained for DTD "Ribarstvo", and everything according to the approximate price-list within "Jugofrigo", who brought several bigger cooling units.

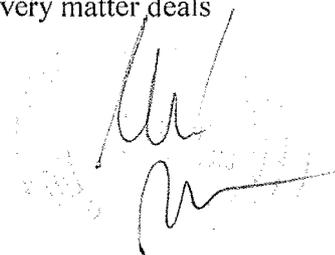
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2. On September 27, 2007, the contract was concluded in relation to the **lease number 1342/1** of the facilities which were in the ownership of the company "Ribarsko gazdinstvo", stock company Belgrade with DTD "Ribarstvo", for the overall monthly lease in the amount of 50.000, 00 rsd and the very lease lasted until December 22, 2008 and these were the facilities in Vakup near **Aleksinac**, a warehouse of the overall defined spatial area of 438, 01 m<sup>2</sup> (headquarters and the manipulative facility) and the pools of the spatial area of 519,10 m<sup>2</sup>, which is factually 3 cold-storages in the overall size of 156,3m<sup>2</sup>, i.e.437,6m<sup>3</sup>, out of which the useful spatial area is 263m<sup>3</sup>, whereas the estimated monthly amount of the lease amounted to 48.724,00rsd, which, when multiplied with the number of months (16) being the duration of the lease, amounts to 779.584,00rsd, regarding the fact that the inner spatial area of the facility is 376, 8m<sup>2</sup>, thus the difference from the spatial area of cooling units is 220m<sup>2</sup> where the estimated lease per m<sup>2</sup> was 90,00rsd, thus the overall lease of the facility for the aforementioned period amounts to 316.000,00rsd, thus the overall lease of the facility for the aforementioned period was 316.000, 00rsd, thus the overall amount of undue profit was **1.095.584,00rsd**.

3. On September 27, 2007, the contract was concluded number 3840/1 between "Ribarsko gazdinstvo", stock company Belgrade and DTD "Ribarstvo", stock company in relation to the **lease** of the facilities in Sremska Mitrovica, which represents a lease of the warehouse of the spatial area of 933, 53m<sup>2</sup>, for the overall monthly lease in the amount of 50.000,00rsd and the very lease lasted until December 22, 2008, and it was actually being the lease of the overall facility of 642,75m<sup>2</sup>, out of which the spatial area of the warehouse is 121, 4m<sup>2</sup>, for the monthly lease was 18.210, 00rsd, thus the lease for 16 months, which was the duration of the lease was 333.424,00rsd, whereas the useful size of the cooling unit was 111,2m<sup>3</sup>, for which the monthly lease was 20.839,00rsd, thus the Company DTD "Ribarstvo" acquired the undue profit in the amount of **624.784,00rsd**.

4. On September 28, 2007, "Ribarsko gazdinstvo", stock company concluded the contract on the **lease** of the facilities in **Čačak**, where it was stated that the matter in concern is actually the cooling warehouse for the storage of fish, of the spatial area of 210, 76m<sup>2</sup>, and the open pool of the spatial area of 271, 36m<sup>2</sup> for the overall monthly lease of 50,000.00rsd and the very lease lasted until December 22, 2008., and actually it is being the matter of the headquarters with two cooling units of the overall spatial area of 204, 5m<sup>2</sup>, out of which the useful space for the storage of frozen fish is 116m<sup>3</sup>, for which the monthly lease was 21.738,00rsd, thus the lease for 16 months, being the duration of the lease, amounted to 337.280,00rsd and the open pool of the spatial area of 243,31 m<sup>2</sup>, for which the monthly lease was 14.598,00rsd, thus the lease for 16 months, being the duration of the lease, amounted to 233.568,00rsd, thus the Company DTD "Ribarstvo" acquired the undue profit in the amount of **918.656,00rsd**.

5. On September 27, 2007, the contract on **lease** was concluded number 3840/2 between "Ribarsko gazdinstvo", stock company Belgrade and DTD "Ribarstvo", stock company, by means of which a warehouse is leased and two concrete pools of the spatial area of 120m<sup>2</sup> that are being located in Aračuljski potok in **Jagodina**, for the overall monthly lease in the amount of 50.000, 00 rsd, , whereas the very lease lasted until December 22, 2008, and the very matter deals

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with the headquarters and two cooling chambers of the overall spatial area of 348, 20m<sup>2</sup>, out of which the distributive centre is 243m<sup>3</sup>, for which the monthly lease is 24.300,00rsd, thus the lease for 16 months, being the duration of the lease, was 388.800,00rsd, whereas the useful size of the cooling chambers is 177,6m<sup>3</sup>, for which the monthly lease was 33.357,00rsd, thus the lease for 16 months, being the duration of the lease, was 533.712,00rsd, whereas within the very same two pools for fish were located thereof the spatial area of 185,4m<sup>2</sup>, for which the monthly lease was 11.124,00rsd, thus the lease for 16 months, being the duration of the lease, was 177.984.00 rsd, thus the Company DTD "Ribarstvo" acquired undue profit in the amount of **1.100.496,00rsd**.

**Thus, they would perform one prolonged criminal offence in relation to the abuse of the official position of the responsible entity from the Article 234, paragraph 3 in relation to the paragraph 1 of the Criminal Code in co-perpetration, in relation to the Article 33 and 61 of the Criminal Code.**

#### IV

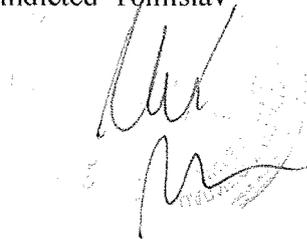
#### Nikitović Duško

On June 26, 2008, in Belgrade, in the capacity of the General Manager of the company "Ribarsko gazdinstvo", concluded the contract on lease no.3030 by means of which "Ribarsko gazdinstvo" Belgrade leased to the company "Jukohemija" llc from Bački jarak, business premises of the spatial area of 20, 59 m<sup>2</sup> and a warehouse of the spatial area of 78,52m<sup>2</sup>, which are being located in Belgrade in 2-a Patrijarha Joanikija, without compensation and time limit in relation to the duration of the lease, so the lessee, the company "Jukohemija" llc from Bački jarak did not pay a single installment, although the Annex to the above mentioned Contract was concluded on December 29, 2009, where it was stated that the lease should be paid on the basis of the Contract on lease, in the amount of 50.000, 00 rsd without VAT, and in that very manner the company RGB was aggrieved for the amount of 897.750,00rsd, being the amount which should have been paid from the side of "Jukohemija" for the period from July 7, 2008 to July 29, 2010, thus the company "Jukohemija" llc from Bački jarak gained the undue profit in the aforesaid amount.

**Thus, one criminal offence in relation to the abuse of the official position of the responsible entity would be performed from the Article 234, paragraph 2 in relation to the paragraph 1 of the Criminal Code.**

#### Reasoning

Higher Public Prosecution in Belgrade raised an indictment before the Higher Court in Belgrade, an indictment Kt.no.734/10 as of February 3, 2011 against the indicted Tomislav



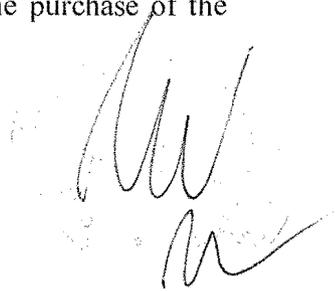
Đorđević due to two criminal offences of the abuse of the official position in prolonged duration by means of incitement from the Article 359, paragraph 3 in relation to the Articles 34 and 61 of the Criminal Code and two criminal offences of the abuse of the official position in prolonged duration by means of incitement from the Article 359, paragraph 3 in relation to the paragraph 1 of the Criminal Code in relation to the Article 34 of the Criminal Code , the indicted Dubravka Đorđević, indicted Aleksandra Gavrilović, indicted Đurđa Prica and Veselinka Popović due to one criminal offence of the abuse of the official position in co-perpetration in prolonged duration from the Article 359, paragraph 3 in relation to the paragraph 1 of the Criminal Code in relation to the Articles 33 and 61 of the Criminal Code , indicted Aleksandra Gavrilović, indicted Đurđa prica , Maja Šteger, Veselinka Popović due to one criminal offence of the abuse of the official position in co-perpetration in prolonged duration from the Article 359, paragraph 3 in relation to the paragraph 1 of the Criminal Code in relation to the Article 33, indicted Duško Nikitović and Vojin Manasijević due to the criminal offences of the abuse of the official position in co-perpetration in prolonged duration from the Article 359, paragraph 3 in relation to the paragraph 1 of the Criminal Code in relation to the Articles 33 and 61 of the Criminal Code, indicted Duško Nikitović as well due to one criminal offence of the abuse of the official position from the Article 359, paragraph 3 in relation to the paragraph 1 of the Criminal Code which was being altered by the motion as of May 14, 2013 in relation to the legal qualification , thus the indicted entities were charged for the following as well: indicted Tomislav Đorđević; two criminal offences of the abuse of the official position of the responsible entity from the Article 234, paragraph 3 in relation to the paragraph 1 in relation to the Article 34 of the Criminal Code, indicted Dubravka Đorđević, indicted Aleksandra Gavrilović, indicted Đurđa Prica, indicted Veselinka Popović one criminal offence of the abuse of the official position of the responsible entity from the Article 234, paragraph 3 in relation to the paragraph 1 in relation to the Articles 33 and 61 of the Criminal Code, indicted Aleksandra Gavrilović, indicted Đurđa Prica, Maja Šteger and

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Basic assets that are being higher than envisaged.

Within their defense statements, the indicted entities clearly and in detail stated the reasons for rendering their decisions, that they thought that their decisions were correct business acts, however not the acts by means of which they would acquire benefits against the law for DTD "Ribarstvo", their defenses are not contrary to any single presented piece of evidence which the Court accepts, and regarding the fact that Tomislav Đorđević was the owner of the Company DTD "Ribarstvo", that he was also the buyer of the Company Ribarsko gazdinstvo Belgrade until the termination of the Contract on privatization, that until the termination of the Contract on privatization Tomislav Đorđević invested in the Company Ribarsko gazdinstvo, which is being acknowledged by the witnesses, and these are being Igor Kizor, Mirjana Srijemac, Gordana Gašparović, all of them stating that it was necessary to invest into the facilities, that he started with payment of the privatized company, with payment of the installments for the purchase of the

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company "Ribarsko Gazdinstvo", that when he thought that his rights were obstructed he lodged the complaint for legal establishment of his rights, bearing in mind that within the business documentation of the company Ribarsko gazdinstvo each document was filed which was being significant for this procedure, that the indicted entities did not hide their decisions, however, regarding the fact that during the procedure material gain for the company DTD "Ribarstvo" against the law was not established, the Court concluded that the indicted entities undertook their act exactly as business acts, and not as those for the purpose of obtaining material gain against the law for DTD Ribarstvo.

Thus, direct intent of the indicted for performing of the criminal offences that they were charged for was not proved.

As it was not proved during the procedure that the indicted entities by means of their acts neither obtained for the company DTD Ribarstvo material gain against the law, nor that they undertook their acts with direct intent in order for the very after effect to occur, The Court ruled that it was not proved that the indicted entities performed the acts they were charged for, thus, by applying the Article 423, item 2 of the Law on Criminal proceedings, the very same are acquitted that they performed the acts.

As the indicted are acquitted from charges the Court by application of the Article 265, paragraph 1 of the Law on Criminal proceedings ruled that the expenses as for the criminal proceedings and lump expenses are to be paid by the Court.

The Court estimated other established pieces of evidence, however it did not elaborate the very same in detail, finding that it would not be necessary regarding the established factual situation.

Regarding the aforementioned, it was decided as in the wording of judgement.

HIGHER COURT IN BELGRADE, June 18, 2018.

K.no. 127/2014

Court clerk

Sladana Rajković

President of the panel-judge

Slavica Nikolić (Singed)

LEGAL REMEDY INSTRUCTION: Against this decision one may lodge a complaint to the Appellate Court in Belgrade, within a term of 15 days from the day of the reception of the dispatch of the very same, and via this Court.

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This is to certify that the above translation is the true copy of the original written in Serbian.

File no. 36/19

Ristić Ivana

Novi Sad

Date: February 27, 2019

Official Court Interpreter of the English Language  
Accreditation no.101-74-00004/2005-05

