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August 6, 2020

Državno odvjetništvo Republike Hrvatske
Dražen Jelenić, Chief State Prosecutor
Gajeva 30a, 10000 Zagreb

pisarnica@dorh.hr

Dear Mr. Jelenić:

I am following up on the attached petition which was referred to your office by the Office of the President of the Republic of Croatia several months ago. Unfortunately, we have heard nothing from your office about this matter of the Petition of Dr. Jonathan Levy on behalf of the Victims of the Independent Republic of Croatia (NDH) and their Families on Holocaust Remembrance Day April 22, 2020.

I want to draw your attention to the fact that the United States has strongly supported efforts to gain restitution and compensation for property that was confiscated by the Nazis and their collaborators from 1933 to 1945 and/or subsequently nationalized by the Communist governments of Central and Eastern Europe. In particular US Special Envoy for Holocaust Issues Cherrie Daniels has been in the forefront of these efforts.

The material in the attached petition addresses the Ustasha Treasury case and the assistance rendered by my clients to the Republic of Croatia. I am looking forward to your reply to the matters set forth in the petition.

Sincerely,



Dr. Jonathan Levy, Attorney (California)

Copies to:
US Special Envoy for Holocaust Issues Cherrie Daniels
Jasenovac Research Institute



REPUBLIKA HRVATSKA
URED PREDSJEDNIKA

KLASA: 910-058/20-01/26
URBROJ: 71-03-02/4-20-03
Zagreb, 14. svibnja 2020.

Dr. Jonathan Levy, odvjetnik
37 Royal Pointe Dr.
Hilton Head SC 29926
Sjedinjene Američke Države

Poštovani gospodine Levy,

Ured Predsjednika Republike Hrvatske zaprimio je Vaše pismo od 22. travnja 2020., te Vas izvješćujemo kako smo isto prosljedili Državnom odvjetništvu Republike Hrvatske, pravosudnim tijelom koje zastupa Republiku Hrvatsku u svim postupcima koji se vode radi zaštite njezinih prava i interesa.

S poštovanjem,



PREDSTOJNIK

dr. sc. Orsat Miljenić

(Courtesy translation)

Doc. Class.: 910-08/20-01/26
Ref. No.: 71-03-02/4-20/03
Zagreb, 14 May 2020

Dr. Johnathan Levy
Solicitor & Attorney at Law
37 Royal Pointe Dr.
Hilton Head SC 29926
United States of America

Dear Mr. Levy,

The Office of the President of the Republic of Croatia has received your letter of 22 April 2020. We hereby inform you that it has been forwarded to the Public Prosecutor's Office of the Republic of Croatia, judicial body which represents the Republic of Croatia in all proceedings conducted for the protection of its rights and interests.

Yours respectfully,

CHIEF OF OFFICE

Orsat Miljenić, PhD

Dr. Jonathan Levy
Solicitor & Attorney at Law

April 22, 2020

April 22, 2020

His Excellency
Zoran Milanović
President of the Republic of Croatia

Dear Mr. President:

Since 1999 I have represented victims of the former Ustasha NDH regime (1941-1945) in seeking an accounting and restitution of the so called Ustasha or NDH (Nezavisna Država Hrvatska) Treasury from the Holy See. Now that the Vatican has opened the World War Two era archives of Pope Pius XII, the time is appropriate to begin this task. As the NDH Treasury originated in the territory of Croatia, The Republic of Croatia has a vested interest in the matter for this and other reasons noted below.

The Republic of Croatia for many years has paid sizeable pensions now totaling well over € 100 million to the NDH veterans and their families yet has accorded no relief or assistance to victims of the NDH regime. Even though the Republic of Croatia is clearly not the legal successor state of the Independent State of Croatia (1941-1945) and therefore was not liable for its debts and crimes, it voluntarily undertook the obligation to pay pensions to members and their families of that former Axis allied regime. The Republic of Croatia therefore has voluntarily involved itself in the affairs and obligations of the former NDH regime.

My clients and I have provided valuable assistance to the Republic of Croatia in obtaining the dismissal of a fraudulent class action lawsuit in Chicago in 2017 which falsely claimed to represent Ustasha victims and deceived the international press and even the US State Department. The lawyers behind that lawsuit threatened to harm the Croatian tourism industry and were unmasked only through the positive and repeated intervention of my clients who have no ill will towards the Republic of Croatia or its citizens. The Hinshaw Culbertson law firm can attest to that result

and our resolve in that matter to not allow a miscarriage of justice against the people and Republic of Croatia.

We are appealing to you directly to help us address this situation and appreciate your attention to the attached Petition which would help bring reconciliation and mutual understanding to the region. The Petition is even more timely today on Holocaust Remembrance Day since the Vatican announced it would finally open up the archives of Pope Pius XII which will include previously unknown material about the NDH, Vatican, and the post war disposition of that portion of the Ustasha Treasury in Rome.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jonathan Levy", is written over a circular blue stamp. The stamp features a scale of justice in the center and the text "JONATHAN LEVY" at the top, "CALIFORNIA BAR" at the bottom, and "190022" on the right side.

Dr. Jonathan Levy, Attorney (California)

**Before the Republic of Croatia
Office of the President**

Petition of Dr. Jonathan Levy on behalf of the Victims of the
Independent Republic of Croatia (NDH) and their Families
On Holocaust Remembrance Day April 22, 2020

INTRODUCTION

Since 1999, this law office has represented victims of the former Independent Republic of Croatia (NDH) and their families and several organizations representing Holocaust survivors, Serbian, Croatian and Bosnian civil society and the Roma people.

In 1998, the US Government issued a report on the whereabouts of the Ustasha or NDH Treasury which contained the monetary proceeds of the Ustasha genocide, summarized here by the United States CIA:

[CIA report 1](#)

[CIA Report 2](#)

In 1999 class action lawsuits the United States Federal Court were filed by Petitioner on behalf of Ustasha victims and their families in against the Vatican Bank, Swiss National Bank, Croatian Liberation Movement (Hrvatski oslobodilački pokret), the Papinski hrvatski zavod svetog Jeronima and the Franciscan Order seeking an accounting of the Ustasha Treasury. In 2010, the US courts finally determined they did not have jurisdiction in the matter.

The Petitioner then sought the assistance of the European Commission and was eventually referred to the Vatican Financial Intelligence Unit which then refused to act on my request.

The matter was referred back to the European Commission and EU Ombudsman which refused to act because the Holy See and Vatican Bank were not under their direct jurisdiction.

A petition was then filed with Pope Francis which was never acknowledged or acted upon by the Vatican despite numerous deliveries of it to various representatives of The Holy See:

[Petition to Vatican](#)

In 2017, Petitioners submitted this matter to the Republic of Croatia Council for Dealing with Consequences of the Rule of Non-Democratic Regimes, and the office of the former president

of the Republic of Croatia; neither acknowledged the communication.

FACTS

The Independent State of Croatia (NDH) 1941-1945 and its Ustasha party were supported by Germany and Italy and would not have been able to commit genocide without this military and political support which propelled and sustained the Ustasha in power 1941-1945.

The Ustasha committed well documented acts of genocide and summary executions. The number of victims though disputed, were substantial and included Serbs, Jews, Roma, and Croatian and Bosnian Anti-Fascists. The property of victims was often confiscated or looted by the Ustasha and a portion of this loot was sent to Rome and Switzerland in tranches from 1943 onward. A final consignment accompanied the Poglavnik, Ante Pavelić, into exile after the liberation of Zagreb in May 1945.

The uncontroverted sworn testimony of former US Special Agent William Gowen who was posted in Rome 1946-1947 stated:

The highest ranking Ustasha were protected after the fall of Zagreb in 1945 by the Vatican and elements of US and UK intelligence agencies as anti-Communist assets.

In 1946 the Ustasha Treasury consisting of the proceeds of genocide was removed from Northern Italy in a 10-truck convoy commanded by an Ustasha defector to the British, Colonel Ivan Babić, and was deposited at the Pontifical Croatian College of St. Jerome and the Vatican Bank in Rome and administered by the Treasurer of the Franciscan Order in Rome, Fr. Dominik Mandic.

The funds were then used to help the Ustasha leaders escape justice through the "ratlines" and to fund the Ustasha movement in exile thus creating an ongoing legacy of anti-democratic activities which included terrorist acts.

William Gowen in his well-documented investigations infiltrated the Ustasha exile headquarters at the Croatian College of St. Jerome in Rome and also interrogated the senior Ustasha officers Fr. Krunoslav Draganovich and Col. Iven Babić in 1947. Gowen also attempted to arrest the Ustasha leader Ante Pavelic but was ordered to cease his efforts by the Allied Command.

[Testimony of Gowen 1](#)

[Testimony of Gowen 2](#)

[Testimony of Gowen 3](#)

[Testimony of Gowen 4](#)

[Testimony of Gowen 5](#)

Until at least 1963 Fr. Draganovich was an agent of the CIA and US Army Intelligence.

In 1993 Croatia began paying pensions to Ustasha veterans and their families but has done nothing tangible to aid the Ustasha victims and their families in obtaining an accounting of the Ustasha Treasury.

THE LAWSUIT AGAINST REPUBLIC OF CROATIA IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS

In May 2016, a \$3.5 billion-dollar complaint was filed against the Republic of Croatia seeking restitution for the crimes of the Ustasha. The names of Petitioner's clients were entered as the plaintiffs without their agreement. The lawsuit was subsequently served on the Republic of Croatia by the US State Department. The Republic of Croatia entered an appearance in federal court.

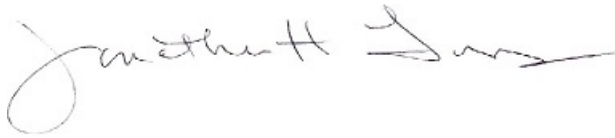
Petitioner advised all parties and the court that the lawyers who filed the lawsuit, did so without the consent of any of the plaintiffs. When this did have the effect of an outright dismissal, Petitioner's clients whose family members had been murdered by the Ustasha, wrote the Judge, made statements to the press and swore affidavits requesting the lawsuit be dismissed. This resulted in the dismissal of the lawsuit

RELIEF REQUESTED

Petitioner requests the Republic of Croatia support the call for a final accounting of the NDH Treasury now that the Pius XII archives have been unsealed for the following reasons:

1. The NDH Treasury originated in Croatia.
2. The Republic of Croatia has undertaken voluntary obligations to pay pensions to former NDH officials and armed forces members and their families.
3. The Petitioners' clients performed a valuable service to the Republic of Croatia in helping to obtain the dismissal of the 2017 class action lawsuit against the Republic of Croatia.

Respectfully submitted,



Dr. Jonathan Levy
Lawyer for Ustasha Victims and their Families

PROOF OF SERVICE BY LAWYER

On April 22, 2020 an electronic copy of this Petition has been served upon the legal representative of the Republic of Croatia at the following coordinates:

His Excellency
Zoran Milanović
President of the Republic of Croatia



Dr. Jonathan Levy
Lawyer for Ustasha Victims and their Families

APPENDIX

https://www.cia.gov/library/readingroom/docs/DRAGANOVIC,%20KRUNOSLAV_0094.pdf

<https://www.scribd.com/document/254707099/Petition-to-Pope-Francis-Re-Vatican-Bank>

<https://www.scribd.com/doc/243156305/William-Gowen-Deposition-Exhibits-2005>

<https://www.scribd.com/document/243154827/William-E-W-Gowen-Deposition-March-9-2006-Volume-IV-Alperin-v-Vatican-Bank>

<https://www.scribd.com/document/243153581/William-Gowen-Vol-III-20051214>

<https://www.scribd.com/document/243153370/William-E-W-Gowen-Deposition-December-13-2005-Volume-II-Alperin-v-Vatican-Bank>

<https://www.scribd.com/document/243152636/William-E-W-Gowen-Deposition-December-12-2005-Volume-I-Alperin-v-Vatican-Bank>