



SUPREME COURT OF CASSATION

ANNUAL CONFERENCE OF JUDGES OF THE REPUBLIC OF SERBIA

"Judicial Days – 2018"

Topics:

Judiciary today

Laws and their application

Current disputed issues in the court jurisprudence

VRNJAČKA BANJA

OCTOBER 8 – 10, 2018

DAY ONE Monday, October 8, 2018

MORNING

PLENARY SESSION

Chairman: Dragomir Milojević,
Chief Justice of the Supreme Court
of Cassation

Large Conference Hall, ZEPTER Hotel

09:30-10:00 Reception for Guests

10:00-11:00 **OPENING CEREMONY**

Dragomir Milojević,
Chief Justice of the Supreme Court
of Cassation

INTRODUCTORY REMARKS BY GUEST SPEAKERS

11:00-11:50 THE JUDICIARY TODAY: KEYNOTE
SPEECH ON CURRENT ISSUES OF
JUDICIAL INDEPENDENCE AND
EFFICIENCY, STATUS AND POSITION
OF JUDGES AND THE COURT OF LAW
– *Dragomir Milojević, Chief Justice of the
Supreme Court of Cassation*

11:50-12:00 **ANNOUNCEMENT OF THE
DECISION ON COURTS' AWARDS**

End of the plenary session

COMMUNICATION WITH MEDIA

12:00 - 12:30

Conference continued in sections

CRIMINAL SECTION

Chairman: Justice Bata Cvetković, President of the
Criminal Department of the Supreme Court of Cassation

Crystall Hall, ZEPTER Hotel

12:00 - 14:00

ROUND TABLE

**"FIGHT AGAINST CORRUPTION – CHALLENGES
FOR JUDGES"**

Introductory Papers:

*"New Possibilities in Proving Criminal Charges in
Corruption-Related Criminal Offenses" – Biljana
Sinanović, Justice, Supreme Court of Cassation*

*"Passive Bribery in connection with the public office and
business activities" – Dragan Jocić, Justice, Supreme Court
of Cassation & President of the Appellate Court in Niš*

*"Criminal Offences and Jurisdiction of the Special
Department for Fighting against Corruption", Snežana
Nikolić Garotić, Judge, Higher Court in Belgrade*

*James May, Expert on Anti-Corruption and Financial
Investigation, EU-funded Project "Prevention and Fight
against Corruption"*

*Leo Sorokin, Federal Judge, U.S. District Court of
Massachusetts, Boston, USAID – Checchiconsulting
Project*

DISCUSSION

PLENARY SESSION OF THE CIVIL AND ADMINISTRATIVE SECTION

Chairman: Justice Predrag Trifunović, President of Civil Department of the Supreme Court of Cassation

Large Conference Hall, ZEPTER Hotel

12:00 – 12:15

EUROPEAN DAY OF JUSTICE

CIVIL SECTION

12:15 – 14:00

Chairman: Justice Predrag Trifunović, President of the Civil Department of the Supreme Court of Cassation

"Case law harmonization activities of Supreme Court of Cassation Civil Department – *Vesna Popović, Justice, Supreme Court of Cassation*

"Protection of the right to a trial within reasonable time through the practice of the Supreme Court of Cassation – a new path of legal protection built on the old route“ – *Katarina Manojlović Andrić, Justice, Supreme Court of Cassation*

"Recent case law of the European Court for Human Rights concerning Republic of Serbia“ – *Nataša Plavšić, Ph.D, Deputy State Attorney, Agent of Republic of Serbia before European Court of Human Rights*

PRESENTATION OF PUBLICATION ON CRITERIA FOR ASSESSING THE VIOLATION OF RIGHT TO A TRIAL WITHIN REASONABLE TIME

Katarina Manojlović Andrić, Justice, Supreme Court of Cassation

Sergey Dikman, Project Coordinator, Human Rights National Implementation Division, Directorate General of Human Rights and Rule of Law, Council of Europe
Project “Supporting Effective Legal Remedies and Mutual Legal Assistance“, implemented by the Council of Europe, within the cooperation framework “Horizontal Facility for the Western Balkans and Turkey“, co-funded by the European Union and the Council of Europe

AFTERNOON SESSION

PLENARY SESSION

Chairman: Dragomir Milojević, Chief Justice of the Supreme Court of Cassation

Large Conference Hall, ZEPTER Hotel

17:00 - 19:30

ROUND TABLE

"ON JUDICIAL IMPARTIALITY"

Introductory Remarks

Dragomir Milojević,
President of the Supreme Court of Cassation

Introductory Paper – Supreme Court of Cassation

"Right to an impartial court as an aspect of the right to a fair trial“ – *Katarina Manojlović Andrić, Justice, Supreme Court of Cassation*

Mats Melin, President of the Supreme Administrative Court of Sweden, Bureau Member of CCJE – supported by the Council of Europe

DISCUSSION

CASE LAW DATABASE PRESENTATION

EU Judicial Efficiency Project
(Search and selection of court decisions)

DAY TWO

Tuesday, October 9, 2018

MORNING SESSION

Conference Hall, BREZA Hotel

MEETING OF THE CHIEF JUSTICE OF THE SUPREME COURT OF CASSATION WITH PRESIDENTS OF COURTS FROM REPUBLIC OF SERBIA

10:00 - 11:00

Achievements and results

Revised Unified Backlog Reduction Plan

Implementation of Individual Measures aiming to solve pending cases older than ten years

Measures for improvement of enforcement of court decisions 2018-2020

Presentation of the Guidelines for Improvement and Promotion of the Out-of-Court Settlement Conclusion and Execution in the Proceedings on Protection of the Right to a Trial within Reasonable Time – Olivera Stanimirović, State Attorney

11:00 - 11:30 Break

11:30 - 12:00

Mediation

EU Project “Support to the Supreme Court of Cassation“ – Dimitrije Šujeranović, Key Expert

12:00 - 14:00

PRESENTATIONS OF PROJECTS

USAID “Rule of Law Project“ – Marc Lassman, Chief of Party

Joint Program by the European Union and the Council of Europe – “Horizontal Facility for the Western Balkans and Turkey”

“Supporting effective remedies and mutual legal assistance” – Maja Mičić-Lazović, Senior Project Officer, Human Rights National Implementation Division, Directorate General of Human Rights and Rule of Law, Council of Europe

“Strengthening Legal Guarantees for Independent and Impartial Tribunals“ – Danko Runić, Senior Project Officer

USAID “Government Accountability Initiative – GAI“ – Jacquelyn Williams Bridgers, Chief of Party, Checchiconsulting

OSCE & EU

“Support for Victims and Witnesses of Crime in Serbia“ – Nataša Novaković, National Legal Adviser, Head of Programme on Human Rights and Criminal Justice System

EU Project IPA 2016 for Serbia “Support to the High Judicial Council“, implemented by GIZ – Ljubica Pavlović, Team Leader

DISCUSSION

CRIMINAL SECTION

Chairman: Justice Bata Cvetković, President of the Criminal Department of the Supreme Court of Cassation

Crystal Hall, ZEPTER Hotel

10:00 - 14:00

“Case Law Harmonization Activities of the Supreme Court of Cassation Criminal Department “ – Vesko Krstajić, Justice, Supreme Court of Cassation

“Penal Policy and the adequacy of the functioning of the Rule of Law – law and practice“ – Stanko Bejatović, PhD, Full Professor, Faculty of Law in Kragujevac

“Disputed legal issues in the application of Criminal Procedure Code – rights to witness examination of the accused / defendant in the criminal proceedings – Case Law

and International Standards “ – Radoman Sparić, Judge, Appellate Court in Kragujevac

“Challenges concerning the application of the Law on Seizure and Confiscation of Proceeds of Crime” – Milena Rašić and Bojana Paunović, Judges, Appellate Court in Belgrade

“Jurisprudence on Tax Evasion“ – Zdravka Đurđević, Judge, Appellate Court in Belgrade

“Application of provisions on Conditional Release“ – Milorad Dedić, Judge, Appellate Court in Novi Sad

“The relations between alcohol abuses and determination of guilt related to criminal offenses against safety of public transportation” – Dijana Janković, Ph.D, Judge, Appellate Court in Niš

DISCUSSION

CIVIL SECTION

Chairman: Justice Predrag Trifunović, President of the Civil Department of the Supreme Court of Cassation

Large Conference Hall, ZEPTER Hotel

10:00 – 12:00

*Introductory Remarks
Justice Predrag Trifunović, President of the Civil Department of the Supreme Court of Cassation*

“Public Property“ – Branko Stanić, Justice, Supreme Court of Cassation

“Several disputed legal issues regarding the application of the Civil Procedure Code” – *Nadežda Vidić, Judge, Appellate Court in Kragujevac*

“The relationship between the Law and the Collective Agreement in Labor Law” – *Borivoje Gajić, Judge, Appellate Court in Novi Sad*

DISCUSSION

12:15 – 14:00

“Impact of the decisions of the European Court of Human Rights in Strasbourg on the settlement of disputes regarding the application of the Agreement on Succession Issues of Former Yugoslavia” – *Gordana Ajnšpiler Popović, Justice, Supreme Court of Cassation*

“Derivative lawsuit in the jurisprudence of the commercial courts” – *Tatjana Matković Stefanović, Judge, Commercial Appellate Court*

“Current Legal Standpoints in the Case Law of the Commercial Appellate Court” – *Jelena Vildović, Judge, Commercial Appellate Court*

DISCUSSION

ADMINISTRATIVE SECTION

Chairman: Justice Mirjana Ivić, President of the Special Panel for Administrative Matters of the Civil Department of Supreme Court of Cassation

Small Conference Hall, ZEPTER Hotel

10:00 - 14:00

“Reasons for exclusion of the implementation of principle *lex specialis derogat legi generali* in special administrative procedure” – *Katarina Manojlović Andrić, Justice, Supreme Court of Cassation*

“Principle of Legality and Predictability in Administrative Law” – *Vesna Čogurić, Judge, Administrative Court*

“Protection of Right to a Trial within Reasonable Time in Administrative Disputes” – *Gordana Bogdanović, Judge, Administrative Court*

“Remarks regarding Article 14 of the Draft Amendments to the Law on Free Access to Information of Public Importance” – *Biljana Tamburkovski Baković, Judge, Administrative Court*

“Novelties in the Law on Asylum and Provisional Protection” – *Zorica Kitanović, Judge, Administrative Court*

“Novelties within the Law on Foreign Nationals with an overview of the administrative and judicial administrative protection” – *Stevo Đuranović, Judge, Administrative Court*

DISCUSSION

AFTERNOON SESSION

PLENARY SESSION

Chairman: Justice Dragomir Milojević, Chief Justice of the Supreme Court of Cassation

Large Conference Hall, ZEPTER Hotel

17:00 - 19:00

ROUND TABLE

"COURTS AND MEDIA"

Introductory Remarks:

Dragomir Milojević, President of the Supreme Court of Cassation

Radmila Dragičević Dičić, Justice of the Supreme Court of Cassation

Branko Hrvatin, International Expert, USAID Rule of Law Project

PRESENTATION OF JUDICIAL COMMUNICATION STRATEGY

PANEL DISCUSSION

“Presumption of Innocence and Media Reporting on Judicial Decisions”

Moderator: Đorđe Vlajić

Panelists:

Vladimir Radomirović, Editor-in-Chief of web-portal “Pištaljka” and President of Association of Journalists of Serbia (UNS)

Ameet Kabrawala, Resident Legal Advisor, U.S.

Department of Justice, U.S. Embassy in Belgrade, Serbia

Aleksandra Petrović, Journalist

Brankica Stanković, Journalist

Veran Matić, Journalist

Branko Stamenković, Deputy State Prosecutor

Ivana Ramić, Judge

DISCUSSION

20:00 CULTURAL EVENT

DAY THREE
Wednesday, October 10, 2018

MORNING SESSION

CRIMINAL SECTION

Crystal Hall, ZEPTER Hotel

10:00 - 12:30

Chairman : Justice Dragomir Milojević, President of the Supreme Court of Cassation

ROUND TABLE

“CONSTITUTIONAL COURTS' vis à vis CRIMINAL JUSTICE COURTS' JURISDICTION IN CRIMINAL MATTERS“

Introductory Remarks:

Dragomir Milojević, President, Supreme Court of Cassation

"The role of Constitutional Court in the criminal justice system of the Republic of Serbia" – Milan Škulić, Ph.D, Justice, Constitutional Court of Serbia, Full Professor (University of Belgrade Faculty of Law)

Reports presented by the Appellate Courts

DISCUSSION

CIVIL SECTION

Chairman: Justice Predrag Trifunović, President of Civil Department of Supreme Court of Cassation

Large Conference Hall, ZEPTER Hotel

10:00 - 12:30

Introductory Remarks:

Predrag Trifunović, Justice, Supreme Court of Cassation

ROUND TABLE

"IMPROVEMENT OF THE ENFORCEMENT OF COURT DECISIONS: AMENDMENTS TO THE LAW ON ENFORCEMENT AND SECURITY"

“Several disputed legal issues within the application of Law on Enforcement and Security “ – *Zorica Veljić, Judge,*

Appellate Court in Belgrade and Zoran Rogić, Judge, Higher Court in Belgrade

DISCUSSION

MISDEMEANOR SECTION

Chairman: Justice Mirjana Ivić, President of the Special Panel for Administrative Matters of the Civil Department of the Supreme Court of Cassation

Conference Hall, BREZA Hotel

10:00 - 13:00

“The relationship between the Law on Foreign Currency Transactions and the Law on Prevention of Money Laundering and Terrorism Financing, with an overview of the relevant case law of the European Court of Human Rights“ – *Milorad Vukajlović, Judge, Misdemeanor Appellate Court, Department in Novi Sad*

“Law on Prevention of Domestic Violence in Jurisprudence of Misdemeanor Courts“– *Biljana Gavrilović, Judge, Misdemeanor Appellate Court, Department in Kragujevac*

“Application of the new Law on Foreign Nationals in misdemeanor proceedings, with an overview of Law on Asylum and Law on Border Protection“ – *Nevenka Pančić, Judge, Misdemeanor Appellate Court*

“The relationship between substantive provisions of the Misdemeanor Law with special substantive legislation on

misdemeanours“ – Mirjana Tukar, *Judge, Misdemeanor Appellate Court, Department in Novi Sad*

DISCUSSION

End of Conference at 14:00