



## SUPREME COURT OF CASSATION

### ANNUAL CONFERENCE OF JUDGES OF THE REPUBLIC OF SERBIA

*Judicial Days – 2019*

**DRAFT**

*Topics:*

*Judiciary today  
Laws and their application  
Current disputed issues in court jurisprudence*

**VRNJAČKA BANJA  
OCTOBER 10 - 12, 2019**

**DAY ONE**  
**Thursday, October 10, 2019**

#### MORNING

##### PLENARY SESSION

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

Large Conference Hall, ZEPTER Hotel

9:30 - 10:00 Reception for guests

10:00-11:00 **OPENING CEREMONY**  
*Dragomir Milojević, Acting President  
of the Supreme Court of Cassation*

INTRODUCTORY REMARKS  
BY GUEST SPEAKERS

11:00 - 11:50 "JUDICIARY TODAY: KEYNOTE  
SPEECH ON CURRENT ISSUES OF  
JUDICIAL INDEPENDENCE AND  
EFFICIENCY, STATUS AND  
POSITION OF JUDGES AND  
COURT OF LAW" – *Dragomir  
Milojević, Acting President 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: Bata Cvetković, Head of Criminal  
Department of Supreme Court of Cassation

Crystall Hal, ZEPTER Hotel

##### **ROUND TABLE** **"AMENDMENTS TO THE CRIMINAL CODE"**

12:00 - 13:30

##### **Introductory Papers**

"Amendments to the Criminal Code" – *Bata Cvetković,  
Justice, Supreme Court of Cassation*

"*Ne bis in idem* principle from the perspective of the  
Serbian criminal legal system, constitutional  
jurisprudence and the ECtHR standards" – *Milan Škulić,  
PhD, Justice, Constitutional Court of Serbia, Full  
Professor, University of Belgrade, Faculty of Law*

"Several consequences in court jurisprudence resulting  
from legislative ambiguities and inaccuracy in  
substantive criminal legislation" – *Nevenka Važić,  
Justice, Supreme Court of Cassation*

#### **DISCUSSION**

13:30 – 14:30

**Presentation of "Manual for the distribution of the permanently seized assets"** – *Radmila Dragičević Dičić, Justice, Supreme Court of Cassation and Mirjana Lazarova Trajkovska, Former Judge, European Court of Human Rights*

### **PLENARY SESSION OF THE CIVIL AND ADMINISTRATIVE SECTION**

Chairman: Head 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: Head of Civil Department of the Supreme Court of Cassation

"Court jurisprudence harmonization through adopted legal views, standpoints and conclusions of Civil Department of Supreme Court of Cassation" – *Vesna Popović, Justice, Supreme Court of Cassation*

"The right to a reasoned judicial decision as part of the right to a fair trial : not only must Justice be done; it must also seen to be done."– *Ljubica Milutinović, Justice, Supreme Court of Cassation*

### **Recent ECtHR Jurisprudence and presentation of the Superior Courts Network and cooperation with European Court of Human Rights**

"Protection of Right to a peaceful enjoyment of property – recent developments in ECtHR jurisprudence", *Ana Vilfan Vospernik, Senior Lawyer, Jurisconsult's Directorate, European Court of Human Rights, focal point in the Superior Courts Network*

"Supreme Court of Cassation in the Superior Courts Network" – *Vanja Rodić, Senior Advisor, Supreme Court of Cassation, focal point in the Superior Courts Network*

"Importance of the human rights identification for a coherent judicial practice" - *Sergey Dikman, Human Rights National Implementation Division, General Directorate for Human Rights and Rule of Law, Council of Europe*

### **DISCUSSION**

### **AFTERNOON SESSION**

### **PLENARY SESSION OF THE CRIMINAL AND MISDEMEANOR SECTION**

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

*Crystall Hall, ZEPTER Hotel*  
16:00 - 18:30

### **ROUND TABLE "FIGHT AGAINST MONEY LAUNDERING AND TERRORISM FINANCING"**

Introductory Remarks

*Radmila Dragičević Dičić, Justice, Supreme Court of Cassation*  
*Miljko Radisavljević, Deputy State Prosecutor delegated into the Organized Crime Prosecutor's Office,*  
*Jelena Pantelić, Special Advisor, Administration for the Prevention of Money Laundering*  
*Danijela Panić Zafirović, Head of the Oversight Division, Administration for the Prevention of Money Laundering*

"Relationship between the misdemeanors prescribed by the Law on Prevention of Money Laundering and Terrorism Financing and Law on Foreign Currency Transactions"– *Milorad Vukajlović, Judge, Department of the Misdemeanor Appellate Court in Novi Sad*

*James May, Expert on Anti-Corruption and Financial Investigation, EU IPA 2013 Project "Prevention and Fight against Corruption"*

## DISCUSSION

### CIVIL SECTION

16:00 – 18:30

Large Conference Hall, ZEPTER Hotel

Chairman: Head of Civil Department of the Supreme Court of Cassation

"Current Legal Views of the Commercial Appellate Court" – *Jasmina Stamenković, Judge, Commercial Appellate Court*

"Legal Effects of the impugned contract aimed at the transfer of rights to assets inscribed in the public register" – *Jasminka Obućina, President, Commercial Appellate Court*

"Exercising of rights of creditors of contested claims, upon confirmation of pre-pack reorganization plan" – *Tatjana Đurica, Judge, Commercial Appellate Court*

"Credit loan agreement in the current jurisprudence of commercial courts" – *Snežana Marić, Judge, Commercial Appellate Court*

## DISCUSSION

21:30

### CULTURAL EVENT

## DAY TWO Friday, October 11, 2019

### MORNING SESSION

*Conference Hall, BREZA Hotel*

### MEETING OF THE ACTING PRESIDENT OF THE SUPREME COURT OF CASSATION WITH PRESIDENTS OF COURTS FROM REPUBLIC OF SERBIA

10:00 – 11:00

*Analysis of Courts Performance*

11:00 - 11:15

*Break*

11:15 – 13:00

Guidelines for the implementation of the new Law on Enforcement and Security (2019) – USAID "Rule of Law Project" & "EU for Serbia – Support to Supreme Court of Cassation"

Human Resources Strategy –  
"EU for Serbia – Support to the High Judicial Council"

New courts' budget methodology –  
"EU for Serbia – Support to the High Judicial Council"

Presentation of the new software application for the case management – EU IPA 2017

Presentation of the Judicial Information System software application – "Official Gazette"

### CRIMINAL SECTION

Chairman:

Justice Bata Cvetković, Head of the Criminal Department of the Supreme Court of Cassation

Crystall Hal, ZEPTER Hotel

10:00-12:00

"Court jurisprudence harmonization activities of Supreme Court of Cassation Criminal Department" – *Vesko Krstajić, Justice, Supreme Court of Cassation*

"Disputed legal issues in court jurisprudence regarding imposing monetary sanctions mitigated by type" – *Radoslav Petrović, Justice, Supreme Court of Cassation*

"Abuse of the position of the responsible person – self-destruction of the legal provision" – *Dragan Jocić, Justice, Supreme Court of Cassation & President of Appellate Court in Niš*

"Abuse of powers in the economy and abolishment of respective criminal offense under Article 238 of the Criminal Code" – *Dragoljub Vujasinović, Judge, Appellate Court in Novi Sad*

"Limits to the examination of the first-instance criminal judgment in the appeal proceedings – disputed issues and case-law" – *Radoman Sparić, Judge, Appellate Court in Kragujevac*

## DISCUSSION

12:00 - 13:30

**ROUND TABLE  
“FIGHT AGAINST CORRUPTION”**

"Application of the Criminal Code of March 1, 2018 through the jurisprudence of Special Departments for Combating Corruption" – *Biljana Sinanović, Justice, Supreme Court of Cassation*

**Presentation of "Manual for investigation and trial proceedings in corruption-related criminal offenses"**  
– *Brankica Marić, Deputy Higher Public Prosecutor and Head of the Special Department for the Prevention of Corruption*

*Vlatko Božović, Head of the Department for Financial Investigations of Organized Crimes at Service for fight against organized crime (SBPOK), Ministry of Interior and Dragana Stojadinovic, Financial Forensic Expert at Organized Crime Prosecutor's Office*

*Jennifer C. Boal, Judge, U.S. District Court for the District of Massachusetts, Boston*

**DISCUSSION**

13:30 - 14:00

**Presentation of Manual on "Guidelines for improvement of court jurisprudence in procedures of victims compensation for serious criminal offenses in criminal proceedings"** – *Radmila Dragičević Dičić and Ljubica Milutinović, Justices, Supreme Court of Cassation and Tamara Mirović, Deputy State Prosecutor*

**CIVIL SECTION**

Chairman:  
Head of Civil Department of Supreme Court of Cassation

Large Conference Hall, ZEPTER Hotel  
10:00 - 12:00

**ROUND TABLE  
"FAMILY LAW"**

"The rights of the child and their protection" – *Jasminka Stanojević, Justice, Supreme Court of Cassation*

"Exercising Parental Rights" – *Branislava Apostolović, Justice, Supreme Court of Cassation*

"First Advisory Opinion of the European Court of Human Rights in accordance with Protocol 16 to the European Convention for the Protection of Human Rights (certain legal issues of a child born of surrogacy)" – *Branko Lubarda, PhD, Judge, European Court of Human Rights, Full Professor, University of Belgrade, Faculty of Law*

**DISCUSSION**

12:00 – 14:00

**ROUND TABLE  
“LABOUR LAW”**

"The rights of employees in connection to the change of the employer" – *Persida Jovanović, Judge, Appellate Court in Belgrade*

"Challenges regarding application of Article 11 of the Labor Law" – *Jasminka Vukanović, Judge, Appellate Court in Kragujevac*

"Salaries and other types of income in public enterprises" – *Slađana Stojanović, Judge, Appellate Court in Niš*

"Dismissal of employee in connection to violation of the right to privacy and family life" - *Borivoje Gajic, Judge, Appellate Court in Novi Sad*

**DISCUSSION**

**ADMINISTRATIVE SECTION**

Chairman:  
Justice Katarina Manojlović Andrić,  
President of the Specialized Panel for Administrative Matters of the Civil Department of Supreme Court of Cassation

*Small Conference Hall, ZEPTER Hotel*  
10:00 - 12:00

"(In)effectiveness of a request for review of a court decision in an administrative dispute" – *Katarina Manojlović Andrić, Justice, Supreme Court of Cassation*

"Disputed legal issues in connection to the birth of a child" – *Radojka Marinković, Judge, Administrative Court*

"Disciplinary responsibility of police officers" –  
*Marijana Tafra Mirkov, Judge, Administrative Court*

## DISCUSSION

## AFTERNOON SESSION

### PLENARY SESSION

Chairman: Dragomir Milojević  
Acting President of the Supreme Court of Cassation

*Large Conference Hall, ZEPTER Hotel*  
16:00 - 17:45

### ROUND TABLE "THE ETHICS AND DISCIPLINARY RESPONSIBILITY OF JUDGES"

#### Introductory Remarks

*Dragomir Milojević,*  
*Acting President of the Supreme Court of Cassation*

*Branislava Goravica, Elective Member of the High  
Judicial Council on behalf of the judicial profession*

*Mirjana Ilić, Judge, Higher Court in Belgrade,*  
*Disciplinary prosecutor of the High Judicial Council*

*Milevka Milenković, Judge, Appellate Court in  
Kragujevac, President of the Disciplinary Commission  
of the High Judicial Council*

### Presentation of the Council of Europe publication „Guidelines for Countering Risks of Undue Influence on Judges“.

*Francesco Crisafuli, Magistrate, District Court of Rome,  
Italy, Council of Europe Consultant*  
*Jovan Nicić, Council of Europe Consultant  
in the field of the fight against corruption*

## DISCUSSION

18:00 - 19:30

### ROUND TABLE "FREEDOM OF EXPRESSION OF JUDGES"

#### Introductory Remarks

*Dragomir Milojević, Acting President of the Supreme  
Court of Cassation*  
*Radmila Dragičević Dičić, Justice, Supreme Court of  
Cassation*  
*Omer Hadžiomerović, Judge, Appellate Court in  
Belgrade*

"Freedom of Expression of Judges – between the duty  
for impartiality and independence" – *Dragana Boljević,*  
*Judge, Appellate Court in Belgrade*

„Freedom of expression of judges according to the  
jurisprudence of the European Court of Human Rights “  
- *Petros Alikakos, Judge, President at the Court of  
General Jurisdiction of Athens, Greece; Council of  
Europe Consultant*

## DISCUSSION

## DAY THREE SATURDAY, October 12, 2019

### MORNING SESSION

**CRIMINAL SECTION**  
Crystal Hall, ZEPTER Hotel

10:00 - 12:30

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

### ROUND TABLE “ABOUT THE JUVENILE JUSTICE“

"Criminal Legal Protection of Juvenile Victims and  
Witnesses " – *Biljana Sinanović, Justice, Supreme Court  
of Cassation*

"Educational Measure of Special Obligations – results of  
its implementation and recommendations from court  
practice" – *mag. iur. Savo Đurđić, Elective Member of*

*the High Judicial Council on behalf of the judicial profession*

"Experiences related to the application of diversion orders in Kragujevac" – *Suzana Grujović, Judge, Higher Court in Kragujevac and Vesna Petrović, Coordinator, Center for Social Care Services in Kragujevac*

"Respecting (or failure to respect) the rights and best interests of minors through the application of medical security measures" – *Vera Sofrenović, Judge, Higher Court in Belgrade*

"Use of existing and development of new resources in protecting the rights of minors in the role of victims and witnesses in criminal proceedings" – *Ljubinka Marković, psychologist at the Department for Juvenile Justice of the Higher Court in Belgrade*

"Multidisciplinary holistic individual assessment of juvenile perpetrators of criminal offenses and child victims and child witnesses in criminal proceedings as part of a fair child-friendly justice" – *Ines Cerović, Child Rights Centre*

## **DISCUSSION**

## **MISDEMEANOR SECTION**

Chairman:

Justice Katarina Manojlović Andrić,  
President of the Specialized Panel for Administrative  
Matters of the Civil Department of the Supreme Court of  
Cassation

Conference Hall, BREZA Hotel

10:00 - 12:00

"Misdemeanors and Media" – *Biljana Gavrilović, Judge,  
Department of Misdemeanor Appellate Court in  
Kragujevac*

"Misdemeanors prescribed by the Law on Budget  
System, with special reference to the practice of  
Misdemeanor Courts" – *Dragana Milikić, Judge,  
Department of Misdemeanor Appellate Court in Niš*

"Misdemeanors in tax reporting – failure to report,  
failure to calculate and failure to proceed payment" –  
*Zlatko Škripac, Judge, Department of Misdemeanor  
Appellate Court in Novi Sad*

"The Burden of proving misdemeanor under Article 270  
of the Customs Law" – *Mladen Jeličić, PhD, Judge,  
Misdemeanor Court in Šabac*

## **DISCUSSION**

***End of Conference at 13:00***