



SUPREME COURT OF CASSATION

**ANNUAL CONFERENCE OF JUDGES
OF THE REPUBLIC OF SERBIA**

Judicial Days – 2019

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

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

Crystall Hal, ZEPTER Hotel

12.00 - 13.30

ROUND TABLE "AMENDMENTS TO THE CRIMINAL CODE"

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 on the effective forfeiture of the proceeds of crime, according to European and International Standards" – *Radmila Dragičević Dičić, Justice, Supreme Court of Cassation and Mirjana Lazarova Trajkovska, Former Judge, European Court of Human Rights*

PLENARY SESSION OF CIVIL AND ADMINISTRATIVE SECTION

Chairman: Justice Dragiša Slijepčević, PhD,
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: Justice Dragiša Slijepčević, PhD,
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 seem 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 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*

"Financial Investigations – the pursuit of money laundering
and assets" – *James May, key expert for repression of
corruption, EU funded project "Prevention and fight against
corruption" (IPA 2013)*

DISCUSSION

CIVIL SECTION

Chairman: Justice Dragiša Slijepčević, PhD,
Head of Civil Department of the Supreme Court of
Cassation

Large Conference Hall, ZEPTER Hotel

16.00 - 18.30

"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, Tonanti 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"

Need for development Human Resources Strategy in Judiciary – "EU for Serbia – Support to the High Judicial Council"

New courts' budget methodology: a condition for increasing judicial efficiency – "EU for Serbia – Support to the High Judicial Council"

Presentation of the new software application for the case management – EU IPA2017

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

CRIMINAL SECTION

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

Crystall Hall, ZEPTER Hotel

10.00 - 12.00

"Court jurisprudence harmonization activities of the 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 Stojadinović, Financial Forensic Expert at Organized Crime Prosecutor's Office*

"The Use of Expert Witnesses in the Cases of White Collar Crime and Corruption in the United States" – *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: Justice Dragiša Slijepčević, PhD,
Head of Civil Department of the 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 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 Gajić, Judge, Appellate Court in Novi Sad*

DISCUSSION

ADMINISTRATIVE SECTION

Chairman: Justice Katarina Manojlović Andrić,
President of the Specialized Panel for Administrative
Matters of Civil Department of the 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, Judge, Commercial Appellate Court,
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

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

Crystal Hall, ZEPTER Hotel

10.00 - 12.30

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" –
Savo Đurđić, mag. iur., Judge, Appellate Court in Novi Sad, 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 Civil Department of the Supreme Court of
Cassation

Conference Hall, Tonanti Hotel

10.00 - 12.00

"Misdemeanors and Media" – *Biljana Gavrilović, Judge, Department of the 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 the 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 the 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

- *Notes* -



Kingdom of the Netherlands



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EUROPEAN UNION



Implemented by the Council of Europe



EU for Serbia Support to the Supreme Court of Cassation



EU for Serbia Support to the High Judicial Council



Organization for Security and Co-operation in Europe Mission to Serbia



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