



Republic of Serbia  
SUPREME COURT OF CASSATION

**AGENDA**

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

*„Judges' Days– 2016“*

*Topics:*

- The Judiciary Today*
- Laws and their Implementation*
- Ongoing Disputed Legal Issues  
in the Courts Jurisprudence*

**VRNJAČKA BANJA  
OCTOBER 9-12, 2016**

**THE FIRST CONFERENCE DAY**

**Monday, October 10, 2016**

**MORNING**

**PLENARY SESSION**

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

**Large Conference Hall, ZVEZDA Hotel**

9:30-10:00 Arrival of guests

10:00-11:00 OPENING CEREMONY

Dragomir Milojević, Chief Justice of  
the Supreme Court of Cassation

**GUESTS' SPEECHES AND OPENING REMARKS**

11:00-12:00 THE JUDICIARY TODAY:  
KEYNOTE SPEECH ABOUT  
CURRENT ISSUES OF JUDICIAL  
INDEPENDENCE,  
CONSTITUTIONAL CHANGES,  
STATUS AND POSITION OF  
JUDGES AND THE COURT OF  
LAW

Dragomir Milojević, Chief Justice of  
the Supreme Court of Cassation

*End of the Plenary Session*

12:00-12:30

**COMMUNICATION WITH MEDIA  
REPRESENTATIVES**

**-Conference continued in sections-**

**CRIMINAL SECTION**

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

**Crystal Hall, ZVEZDA Hotel**

**ROUND TABLE**

**„ABOUT SEIZURE OF ASSETS DERIVED  
FROM CRIMINAL OFFENSE“**

**12:00-14:00**

**INTRODUCTORY PAPER**

*„Draft Law on Amendments to the Law on Seizure of  
Assets derived from Criminal Offense (comments and  
proposals)“ – Nevenka Važić, Justice of the Supreme  
Court of Cassation*

*Contributions to the discussion*

*„Towards Amendments to the Law on Seizure of  
Assets derived from Criminal Offense“ – Veroljub  
Cvetković, Judge of the Appellate Court in Belgrade*

*„Draft Law on Amendments to the Law on Seizure of  
Assets derived from Criminal Offense and temporary  
seizure of assets“ – Ljubinko Četenović, Judge of the  
Appellate Court in Kragujevac*

*– „Towards Amendments to the Law on Seizure of  
Assets derived from Criminal Offense“ – Dragoljub  
Vujasinović, Judge of the Appellate Court in Novi  
Sad*

*– „Asset seizure from the perspective of the European  
Court of Human Rights – Arvinder Sambei, Council  
of Europe*

**DISCUSSION**

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

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

**Large Conference Hall, ZVEZDA Hotel**

12:00-12:15 EUROPEAN DAY OF CIVIL JUSTICE

**CIVIL SECTION**

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

12:15 – 13:15

*„Court Jurisprudence Harmonization through Legal Opinions, Standpoints and Conclusions of Department for Protection of the Right to Trial within a Reasonable Time and Civil Department of the Supreme Court of Cassation“ – Vesna Popović, Justice of the Supreme Court of Cassation*

*„Legal protection from Discrimination“ – Lidija Đukić, Justice of the Supreme Court of Cassation*

**DISCUSSION**

**AFTERNOON SESSION**

**PLENARY SESSION OF CIVIL, ADMINISTRATIVE AND MISDEMEANOR SECTION**

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

**Large Conference Hall, ZVEZDA Hotel**

**ROUND TABLE  
„ABOUT JUDICIAL PROTECTION OF WHISTLEBLOWERS“**

**17:00-19:00**

**INTRODUCTORY PAPER**

*„Legal Status of the Whistleblowers and Injunctive Relief in the Protection of Whistleblowers from Retaliation“ – Snežana Andrejević, Justice of the Supreme Court of Cassation*

Thomas M. Devine, Director of the GAP, Washington D.C., USA, expert of the USAID Judicial Reform and Government Accountability project (JRGa)

**OBSERVATIONS BY THE COURTS**

- *Appellate Courts*
- *Higher Court in Belgrade*

Representative of the Civil Society: - *„Pištaljka“*

**DISCUSSION**

**21:00 CULTURAL AND ARTISTIC PROGRAM**

**THE SECOND CONFERENCE DAY  
Tuesday, October 11, 2016**

**MORNING SESSION**

**Conference Hall, BREZA Hotel**

**10:00-11:30**

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

**REVISED UNIFIED BACKLOG REDUCTION PLAN**

*Break*

**PRESENTATIONS**

**11:45-12:30**

*„Publishing and Pseudonymization of Court Decisions: SCC Rules and HJC Guidelines“  
Dragomir Milojević, SCC Chief Justice and President of the High Judicial Council & OSCE Representative*

*„SCC Annual Report on the Courts' Work: the Challenges of the Ensuring Publicity, Transparency and Modern Presentation of Courts' Work“  
Dragomir Milojević, SCC Chief Justice and President of the High Judicial Council & MDTF Represent.*

**12:30-13:30**

**„COURT JURISPRUDENCE  
HARMONIZATION“**

Dragomir Milojević, SCC Chief Justice and President of the High Judicial Council & MDTF, JEP and CoE representatives

**13:30 – 14:30**

**„COURT MANAGEMENT“**

Dragomir Milojević, SCC Chief Justice and President of the High Judicial Council & MDTF, JEP and Judicial Academy Representatives

**CRIMINAL SECTION**

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

**Crystall Hall, ZVEZDA Hotel**

**ROUND TABLE**

**„TERRORISM – CRIMINAL OFFENSES  
WITHIN DOMESTIC LEGISLATION“**

**10:00-12:00**

**INTRODUCTORY PAPER**

„Terrorism“ - Dragiša Đorđević, Justice of the Supreme Court of Cassation

*Contributions to the discussion*

*"Terrorism – criminal offenses in domestic legislation" – Milena Rašić, Judge of the Appellate Court in Belgrade*

*"Terrorism – criminal offenses in domestic legislation" – Olivera Bojović, Judge of the Appellate Court in Kragujevac*

*„Contribution to the expert discussion on the legal aspects of terrorism-related criminal offenses" – Dijana Janković, PhD, Judge of the Appellate Court in Niš*

*"Terrorism" – Miroslav Alimpić, Judge of the Appellate Court in Novi Sad*

*„Some practical problems and issues related to terrorist offenses and other related criminal offenses“ - Aladin Šemović, PhD, Judge of the Higher Court in Novi Pazar*

*„Terrorism and European Court of Human Rights“ – Arvinder Sambei, Council of Europe*

**DISCUSSION**

Break

**ROUND TABLE**

**„CAN JUSTICE BE EFFICIENT?“-  
EXPERIENCE FROM UNITED STATES**

**12:15-14:00**

Hon. Paul G. Byron, Judge, Federal District Court , Middle District of Florida, USA

William J. Hochul, Jr, Federal District Attorney, Western District of State of New York, USA

**DISCUSSION**

**CIVIL SECTION**

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

**Large Conference Hall, ZVEZDA Hotel**

**ROUND TABLE**

**„ABOUT DISPUTED LEGAL ISSUES IN THE  
APPLICATION OF THE LAW ON  
ENFORCEMENT AND SECURITY“**

**10:00-12:00**

**INTRODUCTORY PAPERS**

*„Disputed Legal Issues in the Application of the New Law on Enforcement and Security“- Branislava Apostolović, Justice of the Supreme Court of Cassation*

*„Enforcement of Court Decisions Regarding Realization of Non-Monetary Claims in the Area of Family Law (Family Relations) and Labor Law (Return to Work)“– Milomir Nikolić, Justice of the Supreme Court of Cassation*

*Ministry of Justice of Republic of Serbia  
Chamber of Executors*

**OBSERVATIONS BY THE COURTS**

- *Commercial Appellate Court*
- *First Basic Court in Belgrade*
- *Basic Court in Kragujevac*
- *Basic Court in Niš*
- *Basic Court in Novi Sad*

## DISCUSSION

Break

### ROUND TABLE

#### **„ABOUT DISPUTED LEGAL ISSUES IN THE APPLICATION OF LAW IN CIVIL MATTERS“**

**12:15-14:30**

#### INTRODUCTORY PAPER

„Three Disputed Issues (validation, solemnization, expiration of claims under Article 376, paragraph 2 of the Law on Obligations“- Predrag Trifunović, Justice of the Supreme Court of Cassation

#### Contributions to discussion

„Bank Loan Contract Stipulated in Local Currency (Serbian Dinars) with the Currency Clause (Validity and Breach of Contract)- Overview of Jurisprudence“ – Vesna Subić, Judge of the Appellate Court in Belgrade

„Procedural Standing of Defendant in Lawsuit Filed by the Previous Owners Requiring Compensation for de facto Expropriated Land Which Became Goods in Common Use - Public Ownership – Aco Vučićević, Judge of the Appellate Court in Kragujevac

„The Condition for Admissibility of Claim for Damages against Republic of Serbia for Unlawful Detention (Article 588 of the CPC) and Claim for Damages against the Insurance Company (Article 24 of the Insurance Law) – Dobrila Zdravković, Judge of the Appellate Court in Niš

„Joint Liability and the Status Change of the Company“- Borivoje Gajić, Judge of the Appellate Court in Novi Sad

## DISCUSSION

### ADMINISTRATIVE SECTION

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

Small Conference Hall, ZVEZDA Hotel

**10:00-14:00**

#### SECTION OPENING, BRIEF PRESENTATION OF PAPERS

„Extraordinary Reporting of Assets“ - Mirjana Ivić, Justice of the Supreme Court of Cassation

„Several Disputed Legal Issues in Restitution of Seized Assets Cases“- Ruža Urošević, Judge of the Administrative Court

„New Legal Concepts in the Law on the Administrative Procedure“ – Jadranka Injac, PhD, Judge of the Administrative Court

„Several Disputed Legal Issues in the Application of the Law on Protection of Competition and their Solving in the Administrative Proceedings“ – Vesna Danilović, Judge of the Administrative Court

„Political Parties of National Minorities in the electoral process in Republic of Serbia“ – Radojka Marinković, Judge of the Administrative Court

„Free Legal Aid“ – Zorica Kitanović, Judge of the Administrative Court

## DISCUSSION

### AFTERNOON SESSION

#### PLENARY SESSION

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

**Large Conference Hall, ZVEZDA Hotel**

#### ROUND TABLE

#### **„ABOUT DURATION OF PROCEEDINGS, PROTECTION OF THE RIGHT TO TRIAL WITHIN A REASONABLE TIME AND ALTERNATIVE DISPUTE RESOLUTION“**

**17:00-19:00**

#### INTRODUCTORY PAPERS

„Protection of the Right to Trial within a Reasonable Time – Complaints Proceedings“- Dragomir Milojević, Chief Justice of the Supreme Court of Cassation

„Mediation and Arbitration“- Ljubica Milutinović, Justice of the Supreme Court of Cassation and Milena Đorđević, PhD, LL.M. (Pittsburgh), professor, Faculty of Law Belgrade

Nataša Plavšić, LL.M, State Agent of Republic of Serbia before ECtHR

Aleš Zalar, Director, European Center for Dispute Resolution

*DISCUSSION*

**THE THIRD CONFERENCE DAY**  
**Wednesday, October 12, 2016**

**MORNING SESSION**

**CRIMINAL SECTION**

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

**Crystall Hall, ZVEZDA Hotel**

**ROUND TABLE**  
**„ABOUT JUVENILE JUSTICE“**

**10:00-12:00**

Chairman : SCC Justice Novica Peković, President of the Appellate Court in Novi Sad

*„Main Features of the Future Legal Position of the Juvenile Offenders and Juvenile Victims in the Criminal Justice System of Serbia“ - Milan Škulić, PhD, Full Professor, University of Belgrade Faculty of Law*

*DISCUSSION*

**CIVIL SECTION**

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

**Large Conference Hall, ZVEZDA Hotel**

**ROUND TABLE**  
**„ABOUT THE COMMERCIAL LAW“**

**10:00-11:50**

*INTRODUCTORY PAPERS*

*„The Contract of Sale of Capital as a Legal Grounds for Changes in the Legal Ownership of Property“ - Branko Stanić, Justice of the Supreme Court of Cassation*

*„Legal benefit of verdicts on the merits of the claim for the establishment of property rights and right to use the land for purpose of the regular use of construction facility“ - Vesna Dabetić, PhD, Judge of the Commercial Appellate Court*

*„Disputed Legal Issues and Legal Opinions of the Department for Commercial Disputes of the Commercial Appellate Court“ - Commercial Appellate Court*

*DISCUSSION*

*Break*

**ROUND TABLE**  
**„COURT AND ARBITRATION“**

**12:00 – 13:00**

Maja Stanivuković, PhD, Full Professor, University of Novi Sad Faculty of Law

Silvia Borelli, expert – International Council for Commercial Arbitration, The Hague, The Netherlands

*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**

**ROUND TABLE**  
**„ABOUT PUBLIC ORDER AND SECURITY“**

**10:00-13:00**

*INTRODUCTORY PAPERS*

*„New Aspects in the Law on Public Order and Security“ - Mirjana Tukar, Judge of the Misdemeanor Appellate Court*

*„Security of Citizens according to the new Law on Public Order and Security – Predrag Rakić, Judge of the Misdemeanor Court in Belgrade*

*DISCUSSION*

*Break*

PRESENTATION OF THE MANUAL  
„APPLICATION OF PRINCIPLE OF IMPUNITY  
OF REFUGEES IN MISDEMEANOR  
PROCEEDINGS“

*INTRODUCTORY PRESENTATIONS*

*„Fundamental Aspects of Principle of Impunity with  
Special Reference to Victims of the Human  
Trafficking“* – Radmila Dragičević Dičić, Justice of  
the Supreme Court of Cassation

*„Application of Principle of Impunity in  
Misdemeanor Courts Practice* – Marija Vuković  
Stanković, Judge of the Misdemeanor Appellate  
Court

OBSERVATIONS BY THE MISDEMEANOR  
COURTS

*DISCUSSION*

*End of the Conference around 14:00*