

LAW ON ORGANISATION OF COURTS

Chapter one

PRINCIPLES

Judicial Power

Article 1

The judicial authority shall belong to courts.

Courts shall be independent bodies of state power protecting freedoms and rights of citizens, rights and interests of legal subjects prescribed by law, and shall ensure constitutionality and legality.

Establishment of Courts

Article 2

Courts shall be established and abolished by law.

Temporary, extraordinary courts or court-martials may not be established.

Separate rules shall govern the establishment of conciliation councils, arbitration and other elected courts.

Independence of Judicial Power

Article 3

Judicial power shall be independent from legislative and executive powers.

Court decision may be re-examined only by the competent court in a procedure prescribed by law.

Everyone, especially the executive branch, shall obey and comply with a final court decision.

Court Jurisdiction

Article 4

Court jurisdiction shall be determined by the Constitution and law.

A court may not refuse to try and decide on a matter within its jurisdiction.

Appointment of a Sitting Judge

Article 5

A sitting judge shall be appointed independently from parties involved and the circumstances of legal matter.

Only the judicial power shall have the authority to assign cases to judges in accordance with the rules defined in advance.

Prohibition of Influence on Courts

Article 6

Any use of public office, media and any public appearance that may influence the course and outcome of a court proceeding shall be prohibited.

Any other form of influence on the court shall also be prohibited.

Right to Complaint

Article 7

A party or other participant in the court proceedings shall have the right of complaint against the work of a court when they consider the proceeding delayed, irregular, or that there is any influence on its course and outcome.

Legal Aid

Article 8

Courts shall provide legal aid to each other, and other government authorities and organisations shall provide legal aid and submit necessary data to courts.

Courts may provide case files and documents necessary for conducting proceedings to government authorities, only if it does not impede the court proceedings.

Symbols of State Authority

Article 9

A court shall have a seal bearing the name and seat of the court, as well as the name and coat of arms of the Republic of Serbia.

The name and seat of the court, and the name, coat of arms and flag of the Republic of Serbia, shall be displayed at visible place in the court building.

The flag of the Republic of Serbia shall also be displayed in a courtroom.

Chapter two

SYSTEM OF COURTS

I. TYPES OF COURTS

Courts of the Republic of Serbia

Article 10

The judicial authority in the Republic of Serbia shall be exercised by courts of general jurisdiction and specialised courts.

Courts of general jurisdiction shall be municipal and district courts, Court of Appeal and the Supreme Court of Serbia.

Specialised courts shall be commercial courts, High Commercial Court and Administrative Court.

Supreme Court of Serbia

Article 11

The Supreme Court of Serbia shall be the highest court in the Republic of Serbia.

The seat of the Supreme Court of Serbia shall be in Belgrade.

Other Republic Courts

Article 12

Court of Appeal, High Commercial Court and Administrative Court shall be established for the territory of the Republic of Serbia.

The seats of the aforementioned courts shall be in Belgrade.

Court of Appeal shall have separate judicial offices outside its seat, in Kragujevac, Niš and Novi Sad, which shall be regulated by special law.

Municipal, District and Commercial Courts

Article 13

A municipal court shall be established for the territory of one or more municipalities and a district court shall be established for the territory of several municipalities.

The Commercial Court shall be established for the territory of several municipalities.

The establishment, seat and territorial jurisdiction of municipal, district and commercial courts and separate judicial offices of municipal court shall be regulated by special law.

Court of Higher Instance

Article 14

The Supreme Court of Serbia shall be the court of higher instance to the Court of Appeal, High Commercial Court and Administrative Court.

The High Commercial Court shall be the court of higher instance to the Commercial Court and the Court of Appeal shall be the court of higher instance to the district and municipal court.

The district court shall be the court of higher instance to the municipal court in relation to the matters regarding the internal organisation of courts and application of the Law on Judges.

II. TERRITORIAL JURISDICTION AND PERMANENCY OF COURT

1. Territorial Jurisdiction of Court

Seat and Territory of Court

Article 15

The seat of court shall be in the court building.

The territory of court shall be the area on which a court exercises its jurisdiction.

Place of Court Activities

Article 16

Court activities shall be performed in the seat of court seat, and out of the seat of court - only when so prescribed by law.

The municipal court may, out of its seat, schedule court days and have separate judicial offices.

Court Days

Article 17

A municipal court shall try and provide legal aid to citizens during the court days.

Place, day and time of court days shall be determined by the president of Supreme Court of Serbia, at the proposal of the president of court.

Court days shall be announced in the place of their holding.

Separate Judicial Offices of the Municipal Court

Article 18

A municipal court shall permanently try and perform other judicial functions in its separate judicial offices.

The separate judicial offices of municipal court shall be established for the area of one or more municipalities from the territory of the court.

2. Permanency of Court

Time of Court Activities

Article 19

Court activities shall be performed every working day and urgent court activities may be performed on non-working days.

Court activities which shall be performed on non-working days shall be determined by the Court Rules of Procedure.

Court Holiday

Article 20

Court holiday shall last from 15th July, to 31st August.

During the court holiday, the court shall act in the matters of investigation and proceed in detention cases, proceedings against juveniles, labour law, land register matters, bills of exchange, cheque and bankruptcy matters, disturbance of property, statutory alimony, child custody, motion to providing evidence or imposing provisional measures and in all matters prescribed by law as urgent.

A president of court may order that other urgent matters be also proceeded during the court holiday.

Chapter three

COURT JURISDICTION

1. Jurisdiction of Municipal Court

Article 21

A municipal court in the first instance shall try criminal offences for which the main prescribed punishment is a fine or imprisonment of maximum ten years, unless some of these offences fall under the jurisdiction of another court, and shall decide on pleas for termination of a security measure or legal effects of sentencing for criminal offences within its jurisdiction.

A municipal court shall try in the first instance civil disputes, unless some of these disputes fall under the jurisdiction of another court, and shall conduct execution

procedure and special litigation proceedings, which are not within the jurisdiction of another court.

A municipal court shall try in the first instance housing disputes; disputes on starting, duration and termination of employment; rights, obligations and responsibilities pursuant to employment; compensation for the damage suffered by a worker during work or related to work; disputes related to solving housing needs pursuant to labour regulations.

Municipal court shall provide legal aid to citizens, international legal aid and perform other tasks prescribed by law.

The law may provide that only some municipal courts within the territory of the same district court, may act in particular legal matters.

2. Jurisdiction of District Court

Article 22

The district court shall, in first instance:

- 1) Try criminal offences for which the main punishment prescribed is imprisonment of more than ten years or a harder penalty.
- 2) Try criminal offences prescribed by the Federal Law and the Law of Republic of Serbia as criminal offences against the economy and unity of Yugoslav market; criminal offences against honour and reputation committed through the media; and for the following criminal offences: disclosing a state secret; incitement to violent change of the constitutional order; incitement of national, racial and religious hatred, discontent and intolerance; violation of territorial sovereignty; conspiracy with the purpose of performing hostile activities; organising groups and inciting the genocide and war crimes; damage to reputation of the Federal Republic of Yugoslavia; damage to reputation of the Republic of Serbia or the other republic of Federal Republic of Yugoslavia; damage to reputation of a foreign country; damage to reputation of an international organisation; disclosing an official secret; receiving bribe; giving bribe; violating laws by a judge; violating security of an aeroplane flight; unauthorised production and trafficking in drugs; providing the abuse of drugs; provoked murder; rape; buggery.
- 3) Conduct criminal proceedings against juveniles.
- 4) Decide on plea for termination of security measure or legal consequences of a verdict for criminal offences from its jurisdiction.
- 5) Try in civil disputes if the value of the subject of litigation enables motion for revision; disputes on paternity and maternity suits; copyright and other related rights, protection and use of inventions, models, patterns, stamps and marks of

geographic origin, unless under the jurisdiction of another court; protection of personal rights including damage compensation; disputes in respect of publishing corrected versions of an information and replies to information.

- 6) Try disputes relating to strikes; collective agreements if not settled through arbitration; mandatory social security unless under the jurisdiction of another court; status registry books; appointment and dismissal of bodies of legal entities, unless they fall under the jurisdiction of another court.
- 7) Decide on ban of distribution of printed material and spreading of information via media.

The district court shall conduct a proceeding for surrender of accused and convicted persons, execute a criminal verdict of a foreign court, decide on recognition and execution of foreign judicial and arbitration decisions, unless they fall under the jurisdiction of another court and perform other tasks prescribed by law.

3. Jurisdiction of Court of Appeal

Article 23

The Court of Appeal shall decide on appeals against decisions of municipal and district courts.

The Court of Appeal shall decide on conflicts of jurisdiction of municipal and district courts, transfer of jurisdiction of Municipal and District Courts when they are prevented or unable to try a legal matter, and shall perform other tasks prescribed by law.

3. Jurisdiction of Commercial Court

Article 24

A commercial court of first instance shall try in first instance:

- 1) Disputes between domestic and foreign companies, enterprises, co-operatives, entrepreneurs and their associations (commercial subjects), disputes between commercial subjects and other legal entities relating to conducting of business activities of commercial subjects, even when one of the parties in mentioned disputes is a natural person, if it is in material relation with the commercial subject.
- 2) Disputes on copyright and other related rights and protection and use of inventions, models, patterns, stamps and marks of geographic origin when occurring between the subjects referred to in point 1 of this para.; disputes on execution and securing of the decisions by Commercial Courts, and in

disputes relating to decisions of chosen courts only when passed in relation to the disputes referred to in point 1 of this para.

- 3) Disputes resulting from application of the Law on Enterprises or application of other regulations on organisation and status of commercial subjects, as well as in the disputes on application of regulations on privatisation.
- 4) Disputes on foreign investment; ships and aircraft, sailing at sea and inland waters, or disputes involving the maritime and aircraft law, except for disputes relating to transportation of passengers; disputes relating to misuse of competition, abuse of monopoly and dominant position on the market and conclusion of monopolistic agreements; protection of an enterprise; entry in the court register; bankruptcy and liquidation.

The commercial court shall in first instance conduct the proceedings for entry of enterprises and other legal entities and subjects in the court registry; conduct bankruptcy, compulsory settlement and liquidation procedure; decide and enforce the execution and security of the decisions by Commercial Courts, and the decisions by selected courts only when the decisions relate to the disputes referred to in point 1, para. 1 of this Article; decide on recognition and execution of foreign judicial and arbitration decisions related to the disputes referred to point 1, para. 1 of this Article; decide on execution and enforcement on ships and aircraft; conduct special litigation procedures resulting from application of the Law on Enterprises.

The commercial court of first instance shall in first instance decide on commercial offences and with relation to that, on termination of protective measures and legal effects of a verdict.

The Commercial Court of First instance shall perform other tasks prescribed by law.

5. Jurisdiction of High Commercial Court

Article 25

The High Commercial Court shall decide on appeals against decisions of commercial courts and in first instance, on matters prescribed by law.

The High Commercial Court shall decide on conflict and transfer of jurisdiction of commercial courts, determine legal positions in order to provide uniform application of law within the jurisdiction of commercial courts and perform other tasks prescribed by law.

6. Jurisdiction of Administrative Court

Article 26

The Administrative Court shall in first instance try administrative proceedings.

The Administrative Court shall perform other tasks prescribed by law.

7. Jurisdiction of the Supreme Court of Serbia

Jurisdiction in Court Proceedings

Article 27

The Supreme Court of Serbia shall, pursuant to law, decide on regular and extraordinary legal remedies instituted against decisions of all courts in the Republic of Serbia and perform other tasks prescribed by law.

The Supreme Court of Serbia shall decide on conflict of jurisdiction between the courts in accordance with the law, and transfer of jurisdiction of courts for easier conducting of procedure or other significant reasons.

Jurisdiction outside of Court Proceedings

Article 28

The Supreme Court of Serbia shall determine general legal positions in order to provide uniform application of law by courts; provide opinions on draft laws and other regulations relevant for performance of judicial authority; analyse application of laws and other regulations and work of courts; select the invited members of the High Judicial Council among judges and proposes candidates for one permanent member of the High Judicial Council; determine criteria for evaluation of diligent and successful performance of judge's function; determine the activities that are contrary to the dignity and independence of judge and damaging to the court reputation; determine types and manner of advanced training of judges and perform other tasks prescribed by law.

Panel of Judges

Article 29

The Supreme Court of Serbia shall decide on legal remedies in the five-member panel of judges, unless otherwise provided by law.

A nine-member panel of judges of the Supreme Court of Serbia shall decide on legal remedies instituted against the decision of the panel of the Supreme Court of Serbia.

Publishing of the Decisions of the Supreme Court of Serbia

Article 30

The decisions of the Supreme Court of Serbia relevant for case law and all general legal principles shall be published in a special collection.

Chapter four

Internal Organisation of Courts

I. Annual Calendar of Court Tasks

Article 31

After obtaining the opinions from judges, the president of court shall set the calendar of court tasks for the coming year in writing and announce it at the session of all judges by 01 December.

The calendar of court tasks together with judges' complaints shall be communicated to the president of the higher instance court within eight days from the session of all judges.

The annual calendar of court tasks in the Supreme Court of Serbia shall be determined by the president of court at the general session.

II. Court Department and Session of All Judges

1. Court Department

Establishment and Management

Article 32

A court departments shall be established in courts in which several panels of judges or individual judges try in the same legal domain.

A court department shall be managed by a president of department who is appointed by the president of court after obtaining the opinion from judges of the department.

Scope of Work

Article 33

The functioning of a court department, legal issues, possibilities for improvement of performance and expertise of judges, judge's assistants and court interns, and all other matters relevant for the court department shall be reviewed at the department's session.

The departments within a district court, Court of Appeal and High Commercial Court shall review the matters relevant for the work of their respective territory.

Convening and Presiding the Department Session

Article 34

The president of a department and the president of court may convene the court department session.

The president of court may always participate in the work and decision making of the department session.

The president of court department shall preside the department session.

2. Case Law Department

Article 35

A court with a greater number of judges shall have the Department for Study of Case Law.

The Department shall observe and study the case law and inform judges, judge's assistants and court interns about the legal positions of the courts.

A judge, appointed by the president of court, shall manage the Department for Study of Case Law.

3. Special Departments in District Courts and Court of Appeal

Article 36

A Department for Criminal Offences against the Economy and Unified Market of Yugoslavia and the Department for Labour Disputes shall be established within the District Courts and the Court of Appeal.

A Department for Urgent Proceedings, where the law prescribes an expedient proceeding of appeals, shall be established in the Court of Appeal.

4. Joint Session of Departments

Article 37

A joint session of departments shall be convened when co-operation of at least two departments is required in respect of consideration of a legal matter.

The joint session of departments shall be convened jointly by the presidents of departments or by president of court, and shall be chaired by the president of the department, which has the competence over the matter of consideration.

5. Session of All Judges

Article 38

The following matters shall be considered at the session of all judges: reports on work of courts and judges; initiating the procedure for the assessment of constitutionality of laws and legality of regulations and other general acts; proposing the candidates for lay judges and other matters relevant for the work of court.

The sessions of all judges of High Commercial Court and Administrative Court shall review the enforcement of regulations and give opinions on draft laws and other regulations governing issues from the jurisdiction of special courts.

President of court shall chair the session of all judges and shall convene it at his discretion or upon request of a judicial department, or at least one quarter of all judges.

III. INTERNAL ORGANISATION OF THE SUPREME COURT OF SERBIA

1. Departments of the Supreme Court of Serbia

Article 39

The Supreme Court of Serbia shall consist of the following departments: Criminal Department, Civil Department, Administrative Department and Case Law Department.

2. Session of Departments of the Supreme Court

Article 40

The matters within the scope of activities of court department shall be considered at the session of department of the Supreme Court of Serbia.

The session shall also be convened when there is an inconsistency between panels in applying regulations or if one panel departs from a legal opinion adopted through its practice, or from a legal opinion adopted by all panels.

A legal opinion adopted at the Session of Department shall be binding to all Panels within the Department.

2. General Session of the Supreme Court of Serbia

Scope of Work

Article 41

The general session of the Supreme Court of Serbia shall adopt general legal positions; give opinions on drafts of laws and other regulations relevant to judicial power; consider implementation of laws and other regulations and the work of courts; select the invited members of the High Judicial Council among judges and propose candidates for one permanent member of the High Judicial Council; determine criteria for assessment of diligent and successful performance of judge's function; determine the activities that are contrary to the dignity and independence of judge and damaging to the court reputation; issue the Rules of Procedure and Organisation of the Supreme Court of Serbia and the Rules of Procedure of the High Personnel Council; determine types and modalities of advanced training of judges and perform other tasks prescribed by law and Rules of Procedure of the Supreme Court of Serbia.

The general session also shall review other matters from the scope of work of the session of all judges.

Adoption of General Legal Positions

Article 42

The general session shall be convened when there is inconsistency in applying regulations between the panels within different departments, or between departments, or if a department departs from general legal position, or when the department session may not adopt a legal position.

A general legal position adopted at the session of the departments shall be binding to all panels and departments of the Supreme Court of Serbia, and may be changed only at the general session.

Composition and Decision Making

Article 43

The general session shall comprise the president and all judges of the Supreme Court.

Legally valid decisions shall be reached at the general session when two thirds of all judges of the Supreme Court are present.

The decisions shall be made by majority vote of all judges of the Supreme Court of Serbia.

Convening and Presiding the Session

Article 44

The general session shall be convened by the president at his discretion or upon request of a court department or at least one quarter of all judges.

The president of the Supreme Court shall preside the general session.

4. Secretariat

Scope

Article 45

The Supreme Court of Serbia shall have a Secretariat.

The Secretariat shall assist the president of Court in managing court administration, perform administrative work for General Session and High Personnel Council, as well

as other activities within its scope, specified by the Rules of Procedure of the Supreme Court.

Secretary

Article 46

A secretary shall manage the Secretariat of the Court and shall be appointed by the General Session, upon the proposal of the president of Court.

The secretary of the Supreme Court may only be a person who meets the requirements for the judge of the Court of Appeal.

5. Rules of Procedure of the Supreme Court of Serbia

Article 47

The Supreme Court of Serbia shall have the Rules of Procedure, which shall closely define organisation and work of the court.

The Rules of Procedure of the Supreme Court of Serbia shall be published in the "Official Gazette of the Republic of Serbia".

The Rules of Procedure of the High Personnel Council shall also be published in the "Official Gazette of the Republic of Serbia".

IV. COURT ADMINISTRATION

Scope of Court Administration

Article 48

Court administration shall comprise the tasks which support the performance of judicial power, especially: organising the work of court; summoning and assigning lay judges; organising activities related to court experts and permanent court interpreters; bankruptcy and liquidation managers; considering complaints and petitions; maintaining statistics and preparing reports; execution of criminal sanctions; financial and material records on operation of court and certifying documents, which are intended for abroad.

Court Administration shall be regulated in detail by the Court Rules of Procedure.

Rights and Obligation of President of Court

Article 49

A president of court shall represent the court, manage the court administration and shall be responsible for proper and timely performance of the court.

The president of court shall have the authority to request the legality of performance, order and accuracy of work in the court; remedy the irregularities and delays; ensure the maintenance of independence of judges and reputation of the court and shall perform other tasks prescribed by law and Court Rules of Procedure.

The president of court shall, in his absence or when he is prevented, be replaced by a judge assigned by the annual calendar of court tasks.

Delegating Court Administration to Others

Article 50

A president of court may delegate certain tasks related to court administration to the presidents of departments or other judges.

A president of court may not delegate the following authority to anyone: decision making related to the right of judges pursuant to employment; labour relations of the court staff; suspension of a judge or a lay judge from duty; initiation of procedure for determining whether the services, jobs and activities are incompatible with the judge's function; annual calendar of court tasks and aberration from the annual calendar of court tasks; aberration from the roster of cases and withdrawal the cases.

Scope of Authority of President of Higher Instance Court

Article 51

A president of a higher instance court shall monitor the court administration of a lower instance court, and president of the directly higher court shall have the authority to pass an act from the jurisdiction of the president of the lower instance court, if he omits to perform his duty.

A president of a higher instance court may request from the lower instance court, the information regarding the implementation of regulations, problems during trials and all information regarding the work of court.

A president of a higher instance court may order direct insight into the work of a lower instance court.

Deciding on Complaint

Article 52

When a party or other participant in a proceeding files a complaint, the president of court shall consider it and inform the complainant on grounds of the complaint and the measures undertaken, within fifteen days from the receipt of the complaint.

If a complaint was filed through the Ministry in charge of judiciary or through the higher instance court, the Minister and president of a higher court shall be informed on grounds of the complaint and the measures undertaken.

Secretary of Court

Article 53

The Court of Appeal, High Commercial Court and Administrative Court shall have a secretary of court.

Any court with more than twenty judges may have a secretary of court.

A secretary of court shall assist the president of court in managing the court administration and shall be autonomous in performing the tasks delegated thereto.

A secretary of court shall be appointed by the president of court among judge's assistants.

Chapter Five

COURT STAFF

1. Job Categories and the Number of Employees

Article 54

Court staff shall comprise of judge's assistants, court interns and other court employees performing administrative, technical, accounting, informational and other auxiliary jobs relevant for the judicial power.

The number of court employees shall be determined by the president of court by the Act on Internal Organisation and Systematisation of Job Positions.

The framework for determination of the number of court employees shall be prepared by the High Judicial Council.

2. Scope of Work of Judge's Assistant

Article 55

A judge's assistant shall assist a judge, prepare draft court decisions, study legal issues, case law and legal literature, prepare draft legal positions, prepare adopted legal positions for publishing and perform the tasks prescribed by law or by Court Rules of Procedure, autonomously or with the supervision and directions of the judge.

Titles of Judge's Assistants

Article 56

The judge's assistants shall acquire the following titles: court assistant, higher court assistant and court advisor.

A person with the Bar Exam may acquire a title of court assistant and a person who spent minimum two years working in legal profession after the Bar Exam may acquire the title of higher court assistant.

A person who meets the criteria required for a judge at a district court may acquire the title of court adviser.

Court Adviser

Article 57

A court adviser shall perform the professional tasks relevant for the court department or the entire court.

The court of the Republic level shall have a title of court adviser.

Assessment of Judge's Assistant's Work

Assessment Periods

Article 58

The work of a judge's assistant shall be assessed once a year.

The work of a judge's assistant who has worked less than six months during one calendar year shall not be assessed for that year.

Assessment Authority

Article 59

The president of the court shall assess the work of judge's assistant, after obtaining the opinion from the session of department to which the judge's assistant has been assigned.

When a judge's assistant has not been assigned to any department, the opinion shall be provided by a judge or panel of judges with whom the judge's assistant works.

Assessment Grades

Article 60

The amount and quality of work, diligence, ability to take self-initiative and published professional and scientific works shall be taken into consideration during the assessment.

The assessment grades shall be "unsatisfying", "satisfying", "distinguished" and "very distinguished".

A high professional assistant whose work has been assessed as "very distinguished", at least in two years successively, may acquire the title of a court adviser even if he/she does not meet the criteria for a judge of a district court.

4. Court Intern

Admission of a Court Intern

Article 61

A graduate lawyer who meets general criteria for working in the governmental bodies may be admitted as an intern.

A court intern shall be admitted in the Municipal, District and Commercial Court.

The candidates who finished the Law Faculty with high average grades shall have the priority.

Employment of a Court Intern

Article 62

A court intern shall enter into three-year employment agreement.

If a court intern fails to pass the Bar Exam before the expiry of internship due to justifiable excuse, his/her employment may be extended to another six months.

A court intern who passed the Bar Exam with the “distinguished mark” shall be hired as full-time court assistant.

Training of a Court Intern

Article 63

A president of the Supreme Court of Serbia shall determine a framework for the training program for court interns and the president of court shall determine the training program based on the framework.

A court intern may be for some time transferred to another court or governmental authority for the purpose of his/her training.

Volunteers

Article 64

A graduate lawyer may without entering into employment agreement, be admitted in the court to undergo preparations for the Bar exam (volunteer).

5. Other Regulations on Court Staff

Article 65

All court staff shall perform their duties diligently and impartially, and shall maintain the reputation of the court.

The regulations governing labour relations within governmental bodies shall be applied on starting employment, rights, obligations and responsibilities of all court staff, unless otherwise stipulated by this Law.

Chapter six

JUDICIAL ADMINISTRATION

Scope of Judicial Administration

Article 66

Judicial administration shall deal with the implementation of laws and other regulations related to the organisation and work of courts, especially: providing

personnel, material, offices and other conditions for functioning of courts; regulation and development of judicial information system; collecting statistical and other data and monitoring the work of courts; supervision of acting on cases within the prescribed deadlines and acting on complaints and petitions; appointment and dismissal of court interpreters; approval of Act on Internal Organisation and Systematisation of Job Positions; keeping personal records of judges, lay judges and court staff, as well as supervision over financial and material operation of the court.

The Ministry in charge of judiciary shall perform the judicial administration.

Prohibition of Influence on Autonomy and Independence of Court and Judges

Article 67

Any act of judicial administration tending to influence the independence and autonomy of court and judges shall be null and void.

The High Personnel Council shall determine the annulment, upon the proposal of the president of competent court.

Personal Record

Article 68

The Ministry in charge of judiciary shall keep the personal record of all judges, lay judges and court staff.

Presidents of courts shall communicate the data from the personal record to the Ministry, and shall be responsible for the accuracy thereof, as well as the person to whom the data refer, if he/she provided the data.

The data contained in the Personal record shall be considered as official secret and may be used only for the purpose of the implementation of this Law and a law regulating the position of judges.

Content of Personal Record

Article 69

Personal record of a lay judge and court staff member shall contain the first name and family name, birth information, ethnicity, residence, education, title or profession, work assessment grades, professional career, proficiency in foreign languages and other data prescribed by the Minister in charge of judiciary.

Personal record of a judge shall contain the first name, family name, father's name, birthplace, day, month and year of birth, ethnicity, residence, information regarding graduation at Law Faculty, final grades at the Law Faculty, internship, Bar Exam, professional career, date of retirement, list of blood relatives in the direct line and relatives in the side line up to the fourth degree, as well as the in-law relatives in the direct line working in judiciary, government administration or having lawyer's practice, information about spouse's professional career, fulfilling the judge's norm, transfer to another court, suspension from duty, disciplinary measures, conducted criminal procedures, termination of duty, published professional or scientific works, serious illnesses, foreign languages, financial status, members of family household and housing situation.

The bodies in possession of data which have to be entered into the personal record shall submit them to the Ministry in charge of judiciary.

Court Rules of Procedure

Article 70

The Court Rules of Procedure shall define the organisation and work of courts, especially: organisation and work of departments and other organisational parts of court; work of the joint session of the departments and the session of all judges; informing the public about the work of court; conducting procedures and providing the decisions in the languages of national minorities; providing legal aid and holding court days; providing international legal aid; keeping records, summoning and assigning lay judges; determining the content of personal record for lay judges and court staff, and determining the obligation of the president of court regarding the submission of data necessary for keeping personal records; training interns; attitude of employees towards citizens while performing their duties; keeping court registries and other official books; filing court management; acting upon complaints and petitions; maintaining statistics and making reports on performed work; charging fines, costs of criminal proceedings, as well as seized material gain; court deposits; organising joint services in places with several courts and other judicial authorities; dress code for judges, court staff, parties and other participants in the court proceedings, as well as all those who conduct their work in court and other matters regarding the organisation and work of court.

The Court Rules of Procedure shall be passed by the Minister in charge of judiciary, with the consent of the president of Supreme Court.

Supervising the Implementation of the Court Rules of Procedure

Article 71

The Ministry in charge of judiciary shall supervise the implementation of the Court Rules of Procedure.

The supervision may be performed only by a person who meets the criteria for the appointment in the court whose work he/she supervises.

Effects of Supervision

Article 72

A record of supervision shall be made and forwarded to the president of court where the supervision has been performed, to the president of directly higher court and the president of the Supreme Court.

The president of court shall inform the president of the directly higher court, president of the Supreme Court and the Minister in charge of judiciary about the steps that have been undertaken to eliminate the deficiencies that have been found during the supervision.

The deadline for informing them shall be prescribed by the Court Rules of Procedure.

Chapter seven

COURT SECURITY

Court Guards

Article 73

The Court Guards shall be an armed and uniformed service, which looks after the safety of people and property, order and peace, and undisturbed functioning of the official activities in the judicial premises.

Authority of the Court Guards

Article 74

A member of court guards shall be authorised to identify the visitors and reasons for coming into the court buildings; perform body and things search if necessary and to prevent those who are armed or carrying dangerous tools or under the influence of alcohol or other stupefying substances from entering the court; to remove from the court building a person who disturbs order and peace; and to perform other duties related to protection of people and property.

A member of court guards shall be authorised to use physical force, truncheon and firearms only if there is no other way to protect lives of people or subdue the attack on the judicial premises.

Court Guards' Rules

Article 75

Organisation of court guards, guard's uniform, weapons and official identification card shall be specified by the Minister in charge of judiciary.

Assistance and Security of the Court Guards

Article 76

Upon the request of judicial premises, the Police are required to assist the court guards.

A head of judicial body may request from the Ministry of Interior to provide special protection for a judge, lay judge, public prosecutor, deputy public prosecutor, misdemeanour judge and to their family or property.

Chapter eight

FUNDS FOR THE WORK OF COURTS

Basic Provision

Article 77

Funds for the work of courts shall be provided within the budget of the Republic of Serbia.

Funds shall be provided in such amount and manner of time, that they maintain the independence of the judicial power and enable orderly operation of courts, at all times.

Use of Funds from Revenues Collected by Judiciary

Article 78

The revenues collected from the work of courts and misdemeanour bodies shall be separately stated in the budget, and shall be allocated for building of judicial premises, investment maintenance of buildings, providing equipment, material expenses, solving housing problems and advanced training.

The amount and purpose of separately stated funds shall be determined by the Law on Budget.

Participation in the Expenses

Article 79

The Minister in charge of judiciary shall prescribe detailed conditions, amount and the way of reimbursement of the amount that is paid by parties and other participants in the proceedings, as court fees.

Chapter nine

TRANSITIONAL AND FINAL PROVISIONS

I. TRANSITIONAL PROVISIONS

Continuation of Work of the Existing Courts

Article 80

All courts established by the Law on Courts (“Official Gazette of the Republic of Serbia”, Nos. 46/91, 60/91, 18/92 and 71/92) shall continue to work.

Commencement of Work of the Court of Appeal and Administrative Court

Article 81

The Court of Appeal and Administrative Court shall commence their work on 01 October 2002.

Transferring Cases

Article 82

The Supreme Court of Serbia, municipal, district and commercial courts shall transfer every case for which the first instance decision is not reached by 30 September 2002, to the court which has jurisdiction over the case by this Law.

After 30 September 2002, if the higher instance court deciding on legal remedy returns the case to the retrial, the case shall be transferred to the court which has jurisdiction over the case by this Law.

Validity of Sub-legal Acts

Article 83

Unless contrary to this Law, the provisions of regulations based on the Law on Courts, shall be implemented until the sub-legal acts foreseen by this Law enter into force.

II FINAL PROVISIONS

Termination of Validity of the Law on Courts

Article 84

The Law on Courts (“Official Gazette of the Republic of Serbia”, Nos.: 46/91, 60/91, 18/92 and 71/92), shall become ineffective as of 01 January 2002, except the provisions from Article 14 to Article 20, which shall become ineffective as of 01 October 2002.

Entering into Force

Article 85

This Law shall enter into force on 01 January 2002, except the provisions from Article 21 to Article 28, which shall become effective as of 01 October 2002.