



TOMIĆ STEVIĆ DULIĆ

ADVOKATSKA KANCELARIJA

TSD NEWSLETTER

Advokatska kancelarija TOMIĆ STEVIĆ DULIĆ informiše o aktuelnostima u radu Kancelarije i u zakonodavnom reljefu RS / Die Rechtsanwaltskanzlei TOMIĆ STEVIĆ DULIĆ informiert über aktuelle Themen der Kanzlei und über den Rechtsrahmen der RS / The TOMIĆ STEVIĆ DULIĆ Law Office is informing about the actual activities of the Law office and the Law frame in RS/ Юридическая контора TOMIĆ STEVIĆ DULIĆ информирует о самых актуальных событиях, о работе конторы и законодательном релiefe РС / Glavni urednik/ Chefredakteur / Editor-in-Chief / Главный редактор: Ljubica Tomić /Lektor/Lektor/Proof reader/Лектор: Ivana Radović, Vesna Gašić, Vojislava Katić, Viktorija Topalović, Magda Braun / Br. 60/14

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Amendments to the Law on Organisation of Courts and Protection of Right to Trial in Reasonable Time

The Law on Organisation of Courts has been amended (RS Official Gazette No. 101/2013) by introducing Articles 8a through 8v, which provide for the protection of the parties' right to trial in reasonable time. These amendments shall apply as of 21 May 2014.

Under these amendments, any party which believes that its right to trial in reasonable time has been violated, may file a motion for protection of the right to trial in reasonable time directly to the higher court, and if such motion is related to proceedings pending before the Commercial Appellate Court, the Misdemeanours Appellate Court or the Administrative Court, it shall be considered by the Supreme Court of Cassation.

Any proceedings initiated under such motion are urgent. The parties may also request compensation for the violation of the right to trial in reasonable time.

In case that the competent court should find that the motion is justified and that the right to trial in reasonable time has been violated, it shall set a deadline for the lower court to complete the proceedings, and in case a relevant request for compensation was also submitted, it shall set an "appropriate compensation" for the violation of the right to trial in reasonable time.

Under the law, the compensation is paid out from the budget of the Republic of Serbia within three months from the date of submission of the party's request for payment.

The decision on the motion seeking protection of the right to trial in reasonable time may be appealed before the Supreme Court of Cassation within 15 days.

The proceedings relevant to the protection of the right to trial in reasonable time and compensation for violation of the right to trial in reasonable time are governed by the Law on Extra-Judicial Proceedings.

The above amendments seek to reinforce the protection of the right to trial in reasonable time within the judicial system in the Republic of Serbia, which should improve discipline in the work of the courts and also reduce the number of submitted constitutional appeals, as well as applications brought before the European Court of Human Rights.

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6	7	8	9	10	11	12	
13	14	15	16	17	18	19	
20	21	22	23	24	25	26	
27	28	29	30	31			



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