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

Conference

Use of encrypted communication in criminal proceedings

18-19 April 2024

Belgrade

Hotel Metropol Palace, meeting room Ivo Andrić

Programme

Thursday, 18 April 2024

9:00 – 9:30 Registration of participants

9:30 – 10:30 **Opening speeches**

Moderator: Zurab Sanikidze, Head of Rule of Law and Human Rights Department, OSCE Mission to Serbia

H.E. Christopher Hill, Ambassador of the United States to Serbia

H.E. Emanuele Giaufret, Head of the European Union Delegation to the Republic of Serbia

H.E. Jan Braathu, Head of the OSCE Mission to Serbia

János Babity, Head of the Council of Europe Office in Belgrade

Jasmina Vasović, President of the Supreme Court

Zagorka Dolovac, Prosecutor General

Veljko Delibašić, President of the Bar Association of Serbia

Branislav Stojanović, Assistant Minister, Ministry of Justice

FIRST SESSION: USE OF ENCRYPTED COMMUNICATION IN CRIMINAL PROCEEDINGS – COMPARATIVE OVERVIEW

Moderator: Žarko Marković, National Legal Officer, OSCE Mission to Serbia

10:30 – 11:00 Use of encrypted communication in Belgium: legal grounds for its use, procedure for obtaining evidence, legal challenges to the use of evidence, defence rights – Theo Byl, Court President, Mechelen District court, Belgium (online)

11:00 – 11:30 Questions and discussion

11:30 – 11:45 *Coffee break*



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- 11:45 – 12:10 Use of encrypted communication in the United States: legal grounds for its use, procedure for obtaining evidence, legal challenges to the use of evidence, defence rights – Daniel C. Irick, U.S. Magistrate Judge, U.S. District Court, Middle District of Florida
- 12:10 – 12:40 Questions and discussion
- 12:40 – 13:05 Use of encrypted communication in Montenegro: legal grounds for its use, procedure for obtaining evidence, legal challenges to the use of evidence, defence rights – Miroslav Turković, Special Prosecutor, Special State Prosecution Service, Montenegro
- 13:05 – 13:30 Questions and discussion
- 13:30 – 14:30 *Lunch*

SECOND SESSION: RELEVANT CASE-LAW OF THE EUROPEAN COURT OF HUMAN RIGHTS

Moderator: Elena Jovanovska-Brezoska, Head of Southeast Europe Unit, Co-operation Programmes Division, Council of Europe

- 14:30 – 15:00 Issues in regard to obtaining evidence through bulk interception of data – Tim Eicke, Judge of the European Court of Human Rights elected in respect of the United Kingdom
- 15:00 – 15:30 Questions and discussion
- 15:30 – 15:45 *Coffee break*
- 15:45 – 16:15 Relevant case-law of the European Court of Human Rights on the use of encrypted communication as evidence in criminal proceedings – Krešimir Kamber, Lawyer, Directorate of Jurisconsult, Registry of the European Court of Human Rights
- 16:15 – 16:45 Questions and discussion

Friday, 19 April 2024

THIRD SESSION – CHALLENGES REGARDING THE USE OF ENCRYPTED COMMUNICATION IN CRIMINAL PROCEEDINGS IN SERBIA

Moderator: Ivanka Olenik, Senior Legal Specialist, U.S. Department of Justice, U.S. Embassy Belgrade

- 10:00 – 10:20 Legal assessment of data stemming from encrypted communication platforms before Serbian courts – general rules on evidence, comparative practices, relevant views of the European Court of Human Rights and the Court of Justice of the European Union – Milan Škulić, Deputy President of the Constitutional Court, Serbia



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10:20 – 10:40	Use of encrypted communication as evidence in prosecutions in Serbia – Goran Jović, Public Prosecutor, Public Prosecution Office for Organised Crime
10:40 – 11:15	Questions and discussion
11:15 – 11:30	<i>Coffee break</i>
11:30 – 11:50	Defence rights in cases of prosecutions based on encrypted communication as evidence in Serbia – Aleksandar Popović, Attorney at Law
11:50 – 12:30	Questions and discussion
12:30 – 13:00	Closing remarks Elena Jovanovska-Brezoska, Head of Southeast Europe Unit, Co-operation Programmes Division, Council of Europe Ben Williams, Coordinator, International Narcotic and Law Enforcement Office, U.S. Embassy Belgrade Zurab Sanikidze, Head of Rule of Law and Human Rights Department, OSCE Mission to Serbia
13:00	<i>Lunch</i>