



**MONTENEGRO**  
**SUPREME STATE PROSECUTOR'S OFFICE**  
**Tu no. 251/24**  
**Podgorica, May 20, 2024**

**INSTRUCTION FOR PROCEEDING OF STATE PROSECUTOR'S OFFICES IN CASES IN  
WHICH THE MEASURE OF PROCEDURAL ENFORCEMENT (DETENTION) WAS  
ORDERED**

**TO SPECIAL STATE PROSECUTOR'S OFFICE**  
**HIGH STATE PROSECUTOR'S OFFICES**  
**BASIC STATE PROSECUTOR'S OFFICES**

Pursuant to Article 131 paragraph 3 of the Law on State Prosecutor's Office, for the purpose of ensuring consistent application of the law, and bearing in mind that detention represents an exceptional measure rather than the rule, and that it is applied as a last resort affecting fundamental human rights, the supreme state prosecutor shall issue a general instruction.

The Law on the State Prosecutor's Office stipulates that the Supreme State Prosecutor is responsible for performing the tasks of the State Prosecutor's Office and taking measures and actions for the effective and lawful operation of the State Prosecutor's Office.

According to the powers prescribed by Article 131 of the Law on the State Prosecutor's Office, heads of state prosecutor's offices are required to urgently intensify the work in cases in which detention was ordered as a measure of procedural enforcement. Heads and state prosecutors shall act in accordance with this Instruction.

The intensification of work primarily concerns cases where the measure of detention has been ordered due to the existence of circumstances indicating that the person for whom detention has been ordered may destroy, hide, alter, or falsify evidence or traces of a criminal offense or will obstruct the proceedings by influencing witnesses, accomplices or accessories by virtue of concealment (according to Article 175, paragraph 1, item 2 of the Criminal Procedure Code). In these situations, the acting state prosecutor will urgently take all actions to collect traces and evidence of the commission of a criminal offense, i.e., hear all persons, previously precisely determined, who can contribute to establishing the facts necessary for further work in the case, i.e., for making a decision.

This Instruction shall apply from the date of its adoption.

**SUPREME STATE PROSECUTOR**  
**Milorad Marković**  
**(signed)**