



MONTENEGRO
SUPREME STATE PROSECUTOR'S OFFICE
Tu no. 134/25
Podgorica, March 3, 2025

**INSTRUCTION FOR THE PROCEEDING OF STATE PROSECUTOR'S OFFICES IN
CONDUCTING PRELIMINARY FINANCIAL INVESTIGATIONS AND FINANCIAL
INVESTIGATIONS**

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.

Based on international standards concerning the confiscation of material benefit derived from criminal activity - outlined in the United Nations Convention against Corruption (2005) (UNCAC), United Nations Convention against Transnational Organized Crime (2000) (UNTOC), Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from crime and on the Financing of Terrorism (2005) (CETS No. 198), Criminal Law Convention on Corruption (ETS No. 173), Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS No. 141) - and particularly taking into account the recommendation of the Financial Action Task Force (FATF), and with the aim of achieving effectiveness, legality and uniformity in the proceeding of the state prosecutor's offices, pursuant to the powers prescribed by Article 131, paragraph 3 of the Law on State Prosecutor's Office, heads of the state prosecutor's offices and state prosecutors are obliged to act in accordance with this Instruction.

The Supreme State Prosecutor shall designate a coordinator to monitor the implementation of the Instruction, whose duty is coordination and monitoring of the Instruction's implementation, on which he directly reports and answers to the Supreme State Prosecutor.

Instructions for heads of state prosecutor's offices

- Within 60 days from the day of the adoption of this Instruction:
 - 1) to conduct a review and analysis of all pending cases formed for criminal offences under Article 2, paragraph 1 of the Law on seizure and confiscation of material benefit derived from the criminal activity;
 - 2) to assess whether it is necessary to conduct a financial pre-investigation, that is, to issue an order to conduct a financial investigation;

3) to prepare a report on cases where it is assessed that the financial pre-investigation should be conducted, or an order to conduct a financial investigation should be issued.

- Data on cases in which a financial pre-investigation or investigation has been initiated must be statistically presented using a form. This form should include the case reference number, information about the criminal offence, the accused (natural or legal person), actions taken, decisions of the prosecution office, provisional measures to secure assets and seizure of movables, value of assets, and court decisions. The head of state prosecutor's office is responsible for the accuracy of the data provided in the form.
- Heads shall deliver the coordinator a quarterly report with updated data, ending of 15th day of the last month of the quarter, for which the report is submitted.
- Heads shall designate a contact person in the prosecution office who will be in charge of collecting data, monitoring the case progress, and promptly informing the head responsible for the accuracy of the submitted data. The contact person will also be responsible for collaborating with the coordinator.
- The head shall provide conditions for ongoing education of contact persons on topics related to standards for handling the cases while conducting financial pre-investigations/investigations. Contact persons are required to attend at least two trainings in this area, and they may suggest topics for training themselves.
- Heads shall provide for the position of an economic and financial advisor if the need arises, and bearing in mind the scope and the nature of cases where financial pre-investigation and financial investigation are being conducted, in the Act on Internal Organization and Systematization of work positions. Until these positions are filled in accordance with the law, heads may hire experts in the field of economics and finance.
- Heads shall initiate meetings with the Police Administration in order to ensure continuous communication and strengthen cooperation, in accordance with the implementation of Article 10a of the Law on seizure and confiscation of material benefit derived from criminal activity.

Instructions for state prosecutors

- Upon initiating a preliminary investigation or issuing an order to investigate criminal offences under Article 2, paragraph 1 of the Law on seizure and confiscation of material benefit derived from criminal activity, state prosecutors shall concurrently consider the possibility to initiate a financial pre-investigation. This includes undertaking measures and actions to trace and identify material benefit derived from criminal activity, with aim of issuing an order to conduct a financial investigation.
- During the financial investigation, state prosecutors shall collect data and evidence indicating the scope, amount, real value of assets of the holder – the accused, a

legal predecessor, legal successor, family member or third party, in accordance with Article 7 of the Law on seizure and confiscation of material benefit derived from the criminal activity, for the purpose of determining the origin, value, and structure of assets, as well as the income and living expenses of the holder.

- In case of doubt, in a specific case, the acting state prosecutor shall consult with the contact person, head, i.e., with the coordinator.
- If there are grounds of suspicion that assets, or part of the assets derived from criminal activity are located abroad, state prosecutors will, through mutual legal assistance, police cooperation, and communication channels of bodies and networks for data exchange, collect data to identify the assets and their holder. They shall take all measures and actions to ensure the timely seizure or confiscation of such assets.

This Instruction shall apply from the day of its adoption.

SUPREME STATE PROSECUTOR
Milorad Marković
(signed)