



MONTENEGRO
SUPREME STATE PROSECUTOR'S OFFICE
Tu no. 162/24
Podgorica, March 22, 2024

**INSTRUCTION FOR PROCEEDING OF STATE PROSECUTOR'S OFFICES IN
CASES OF THREATS AND VIOLENCE AGAINST JOURNALISTS, MURDERS OF
JOURNALISTS, AND ATTACKS ON MEDIA PROPERTY**

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

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 of attacks on journalists and media property. Heads and state prosecutors shall act in accordance with this Instruction.

To achieve legality, effectiveness, and uniformity in the proceeding of state prosecutor's offices in cases involving criminal offences that threaten the safety of journalists and media property, and following a detailed analysis of previous practices in such cases – particularly taking into account Recommendation CM/Rec(2016)4 on the protection of journalism and the safety of journalists and other media actors, adopted by the Committee of Ministers of the Council of Europe, which serves as an international instrument providing detailed guidelines for action in the areas of prevention, protection, criminal prosecution, improvement of information, education, and raising awareness – with the aim of ensuring effective protection of journalism and the safety of journalists and other media actors, I hereby issue Instruction for proceeding of state prosecutor's offices in cases of threats and violence against journalists, murders of journalists, and attacks on media property, with the following guidelines:

The Supreme State Prosecutor shall designate a coordinator to monitor the implementation of the Instruction, prepare reports, and collaborate with the Commission for monitoring the actions of competent authorities in the investigation of cases of threats and violence on journalists, murders of journalists and attacks on media property. The coordinator's duty is to inform the Supreme State Prosecutor about those above-mentioned matters, especially the Commission's recommendations and prosecution offices' responses to those recommendations.

Instructions for heads of state prosecutor's offices

- Data on cases opened due to threats and violence against journalists, murders of journalists, and attacks on media property are statistically presented through a unique form, which is an integral part of this instruction. The form should include the reference number of the case, information about the injured party, information about the media in which the journalist is engaged, criminal offence, the time and place of the criminal offence, undertaken actions, and prosecutorial and judicial decisions, including the decisions of the misdemeanor court. The head of the state prosecutor's office is responsible for the accuracy of the data contained in the form.
- Heads shall deliver the Supreme State Prosecutor's Office quarterly reports with updated data, ending on the 15th day of the last month of the quarter, for which the report is submitted.
- Heads shall designate a contact person in the prosecutor's office who will be in charge of collecting data, monitoring the case progress, and promptly informing the head responsible for the accuracy of submitted data. The contact person shall also be responsible for cooperation with the coordinator appointed by the Supreme State Prosecutor, for the purposes of preparing reports and cooperating with the Commission.
- The head shall provide conditions for ongoing education of contact persons on topics related to standards for handling cases of attacks on journalists and media property. Contact persons are required to attend at least one training session in this area. Additionally, they may suggest topics for their training themselves.
- Heads shall issue binding instructions in writing and undertake other actions in accordance with the law in cases where preliminary investigations/investigations take an unreasonably long time, and in cases where state prosecutors do not take the necessary actions to decide within the deadlines provided by the law.
- Heads shall request a detailed statement from state prosecutors regarding cases where the statute of limitations for prosecution has expired and inform the Supreme State Prosecutor thereof.
- Heads shall prepare information with comments on the provided recommendations and deliver it to the Supreme State Prosecutor's Office within seven days from the date of the submission of the Activity Report of the Commission for monitoring the actions of competent authorities in the investigation of cases of threats and violence against journalists, murders of journalists, and attacks on media property.

Instruction for state prosecutors

State prosecutors are obliged to:

- act with particular urgency in cases opened due to threats and violence against journalists, murders of journalists, and attacks on media property;
- take all measures and actions, without delay, in accordance with the law to collect evidence. They include summoning the injured party to the prosecutor's office to

provide additional information about the incident in question, with the aim of establishing the connection of the attack against the journalists and media property with their professional work, especially paying attention to the texts/reports that journalists published before the attack;

- to go to the scene and directly oversee the crime scene investigation in case of attacks on journalists and media property;
- open a case about all events and criminal complaints filed during on-call duty, and in case of rendering a decision on the dismissal of the criminal complaint, file a motion to initiate misdemeanor proceedings if the actions of the reported person contain elements of a misdemeanor offence, paying attention to deadlines of the statute of limitations;
- during the duration of the procedure, actively cooperate with the injured parties and at the same time inform them about all actions taken;
- when the criminal offense regarding attacks on journalists or media property was committed via the Internet, request, as soon as possible, and where necessary, to obtain the necessary data for conducting criminal proceedings through mutual legal assistance in criminal matters. While in urgent cases, if there is reciprocity, the letters rogatory will be submitted through INTERPOL National Central Bureau;
- issue orders to authorized police officers to take specific measures and actions in cases opened against unknown perpetrators (KTN), in such a way as to ensure the active participation of state prosecutors in preliminary investigations/investigations, and request from the police detailed and precise responses about what measures and actions were taken and what evidence was collected under the given orders;
- in case of doubt, in a specific case, consult with the head, i.e., with the coordinator for this area.

This Instruction shall apply from the date of its adoption, upon which the previous Instruction Tu. No. 132/18 of March 19, 2018, ceases to be valid.

SUPREME STATE PROSECUTOR
Milorad Marković
(signed)