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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

LAW
ON THE STATE PROSECUTOR
OF MONTENEGRO

REPUBLIC OF MONTENEGRO**LAW ON STATE PROSECUTOR****(Official Gazette of the Republic of Montenegro, no. 69/2003)****I GENERAL PROVISIONS****Subject matter of the Law****Article 1**

The present Law shall regulate establishment, organisation, jurisdiction and other issues of significance for the work of the State Prosecutor, as well as issues of significance for the work of the Special Prosecutor for Suppression of Organised Crime.

Constitutionality and Legality**Article 2**

The State Prosecutor shall be autonomous and independent in his/her work and shall exercise his/her office on the basis of the Constitution, laws and ratified international treaties.

Autonomy and Independence**Article 3**

The State Prosecutor must not exercise his/her office under anybody's influence and nobody shall influence the State Prosecutor in the exercise of his/her office, except in cases provided for by the present Law.

State Prosecutor**Article 4**

The Chief State Prosecutor, High State Prosecutor and Basic State Prosecutor (hereinafter referred to as: the State Prosecutor) shall exercise the State Prosecutor office.

The Special Prosecutor shall exercise certain duties from the realm of the State Prosecutor, in accordance with the law.

Deputy**Article 5**

The State Prosecutor shall have a Deputy.

The Deputy State Prosecutor (hereinafter referred to as: the Deputy) shall be entitled to perform all acts during the proceedings before the court or other state authority that the State Prosecutor he/she is Deputy of is entitled to perform under the law.

The Deputy shall also perform other acts in accordance with the present Law and instructions rendered by the State Prosecutor he/she is Deputy of.

Impartiality and Objectiveness
Article 6

The State Prosecutor shall exercise his/her office in the public interest in order to ensure the application of law, whereby the respect for and protection of human rights and freedoms must be guaranteed.

The State Prosecutor must exercise his/her office in an impartial and objective manner.

Code of Ethics
Article 7

The State Prosecutor and the Deputy shall abide by the Code of Ethics of Prosecutors in exercise of their office.

The Prosecution Council, upon prior opinion of State Prosecutors and Deputies, shall pass the Code of Ethics of Prosecutors.

Publicity
Article 8

The work of the State Prosecutor shall be open to public, unless otherwise provided by the law.

Professional skills development
Article 9

The State Prosecutor and the Deputy shall have the right and duty to develop their professional skills in order to exercise their office more successfully.

Funding
Article 10

The Republic of Montenegro shall provide funding and working conditions for the State Prosecutor.

Wages
Article 11

The State Prosecutor and the Deputy shall have the right to wages and other entitlements, in accordance with the law

Professional Association
Article 12

The State Prosecutors and the Deputies shall have the right to professional association.

II ESTABLISHMENT AND JURISDICTION

1. Establishment

State Prosecutor
Article 13

The Chief State Prosecutor shall be established for the territory of the Republic of Montenegro, with the seat in Podgorica.

The High State Prosecutor shall be established for the territory of the High Court and the Commercial Court.

The Basic State Prosecutor shall be established for the territory of one or more Basic Courts.

Chief State Prosecutor
Article 14

The Chief State Prosecutor shall proceed before the Supreme Court of the Republic of Montenegro, Appellate Court of the Republic of Montenegro and Administrative Court of the Republic of Montenegro, other courts and other state authorities, in accordance with the law.

The Chief State Prosecutor shall, in accordance with the law, file a petition for protection of legality.

The Chief State Prosecutor shall also exercise other duties, which are not defined as falling within the competence of the High State Prosecutor and the Basic State Prosecutor.

High State Prosecutor
Article 15

High State Prosecutors are established as:

- 1) The High State Prosecutor in Bijelo Polje, to proceed before the High Court of Bijelo Polje and the Commercial Court of Bijelo Polje.
- 2) The High State Prosecutor in Podgorica, to proceed before the High Court of Podgorica and the Commercial Court of Podgorica.

The High State Prosecutor shall have jurisdiction to proceed in criminal matters before High Courts, and in matters of commercial offences before Commercial Courts.

Basic State Prosecutor
Article 16

Basic State Prosecutors are established as:

- 1) The Basic State Prosecutor in Bar, for the territory of the Basic Court of Bar;
- 2) The Basic State Prosecutor in Berane, for the territory of the Basic Court of Berane;
- 3) The Basic State Prosecutor in Bijelo Polje, for the territory of the Basic Court of Bijelo Polje;
- 4) The Basic State Prosecutor in Kolasin, for the territory of the Basic Court of Kolasin;
- 5) The Basic State Prosecutor in Kotor, for the territory of the Basic Court of Kotor;
- 6) The Basic State Prosecutor in Niksic, for the territory of the Basic Court of Niksic;
- 7) The Basic State Prosecutor in Plav, for the territory of the Basic Court of Plav;
- 8) The Basic State Prosecutor in Pljevlja, for the territory of the Basic Court of Pljevlja and the Basic Court of Zabljak;

- 9) The Basic State Prosecutor in Podgorica, for the territory of the Basic Court of Podgorica and the Basic Court of Danilovgrad;
- 10) The Basic State Prosecutor in Rozaje, for the territory of the Basic Court of Rozaje;
- 11) The Basic State Prosecutor in Ulcinj, for the territory of the Basic Court of Ulcinj;
- 12) The Basic State Prosecutor in Herceg Novi, for the territory of the Basic Court of Herceg Novi;
- 13) The Basic State Prosecutor in Cetinje for the territory of the Basic Court of Cetinje.

The Basic State Prosecutor shall also proceed before the authorities in charge of petty offences and other state authorities from within his/her district.

The Basic State Prosecutor shall be authorised to carry out all actions falling within his/her competence before the court which has subject matter and territorial jurisdiction and before authorities in charge of petty offences or other state authorities, except for those actions which fall within the exclusive competence of the Chief *i.e.* High State Prosecutor and actions undertaken by them.

In danger of postponement of an action, the Basic State Prosecutor shall also undertake actions for which he/she does not have the subject matter and territorial jurisdiction for, but shall immediately inform the competent State Prosecutor thereof.

2. Jurisdiction

General Jurisdiction

Article 17

The State Prosecutor shall perform tasks of prosecution of perpetrators of criminal offences and other offences punishable by law, apply legal remedies for the purpose of protection of constitutionality and legality, represent the Republic in property law transactions and perform other affairs as prescribed by law.

Subject Matter and Territorial Jurisdiction

Article 18

The State Prosecutor shall proceed within the limits of his/her subject matter and territorial jurisdiction, unless otherwise provided by the law.

Authority to undertake measures

Article 19

In order to perform the function of prosecution of perpetrators of criminal offences and other offences punishable by law, the State Prosecutor shall have the authority to determine and undertake measures requisite for detection of criminal and other offences punishable by law and their perpetrators, in co-operation with competent authorities.

Representation

Article 20

With respect to property law transactions the Chief State Prosecutor shall represent the Republic of Montenegro and its bodies, organisations and funds where the State is majority owner, and which do not have the status of a legal person.

In performing the function referred to in Paragraph 1 of this Article, the Chief State Prosecutor shall have the status of legal counsel of the legal person.

In performing the function referred to in Paragraph 1 of this Article, the Chief State Prosecutor may authorise the Basic State Prosecutor to perform certain actions on his/her behalf before the court where he/she proceeds.

Settlement of Disputes by Mutual Agreement

Article 21

The Chief State Prosecutor may, before initiating a procedure, undertake necessary measures in order to settle the dispute by mutual agreement, if so allowed by the nature of the dispute.

The Chief State Prosecutor may provide the entities whose property rights and interests he/she is representing with the legal opinion on conclusion of property law agreements and an opinion on other property law issues, when required to do so.

Informing the Government

Article 22

In the event of property disputes of particular importance for the State or of great property value, and regarding which the claim for litigation is to be waived, claim of the opposing party accepted, settlement concluded or a legal remedy withdrawn, the Chief State Prosecutor shall be obliged to inform the Government of the Republic of Montenegro (hereinafter referred to as: the Government) without delay and proceed in line with its decision.

Postponement or interruption of enforcement of court decisions

Article 23

When of the opinion that, due to violation of a law or an international treaty, grounds exist to apply legal remedy against an enforceable court decision or a decision passed in administrative or other proceeding, the State Prosecutor may request to postpone, *i.e.* interrupt enforcement of such decision.

The State Prosecutor shall file the request for postponement *i.e.* interruption of enforcement referred to in Paragraph 1 of this Article with the court or other authority having competence to execute the order for enforcement.

Upon request of the State Prosecutor the competent authority may postpone *i.e.* interrupt the enforcement until passing of decision on the State Prosecutor's legal remedy.

The decision on postponement *i.e.* interruption of the enforcement shall cease to be effective should the State Prosecutor fail to apply the legal remedy within 30 days from the day of receipt of such decision.

III CONDITIONS AND PROCEDURE FOR APPOINTMENT OF THE STATE PROSECUTOR AND THE DEPUTY

1. General and Special Conditions

General conditions

Article 24

A person may be appointed as the State Prosecutor or the Deputy if he/she:

- 1) is a citizen of the Republic of Montenegro;
- 2) is in a generally healthy state and possesses capacity to transact business;
- 3) has the University Degree in Law and has passed the Bar exam;

Special conditions

Article 25

A person may be appointed the State Prosecutor or the Deputy if he/she, in addition to the general conditions, possesses the following work experience in the field of law:

- for the Chief State Prosecutor and his/her Deputy – 15 years;
- for the High State Prosecutor and his/her Deputy – 10 years;
- for the Basic State Prosecutor and his/her Deputy – 5 years.

Appointment

Article 26

The State Prosecutor and the Deputy shall be appointed and removed by the Assembly of the Republic of Montenegro (hereinafter referred to as: the Assembly).

The Prosecutors Council shall make the proposal for appointment, removal and termination of office of the State Prosecutor and the Deputy, in accordance with the procedure prescribed by the present Law.

Number of Deputies

Article 27

The Prosecutors Council shall determine the number of Deputies at the proposal of the Minister of Justice, and following the initiative of the Chief State Prosecutor.

The decision on the number of Deputies shall be published in the "Official Gazette of the Republic of Montenegro".

Term of Office

Article 28

The State Prosecutor and the Deputy shall be appointed for a term of office of five years with the possibility of reappointment.

Functional Immunity

Article 29

The State Prosecutor and the Deputy shall not be accountable for an opinion expressed or a decision rendered in performance of their functions.

Incompatibility of Functions

Article 30

The State Prosecutor and the Deputy may not hold a representative or other public office, exercise other professional activity or be a member of bodies of political parties.

The limitation referred to in Paragraph 1 of this Article shall not pertain to any scientific, educational and artistic occupation, as well as to activities protected by the copyright.

2. Appointment Procedure

Public announcement

Article 31

The State Prosecutor and the Deputy shall be appointed on the basis of public announcement.

The Prosecutors Council shall announce vacancies for positions of the State Prosecutor and Deputy.

The announcement of vacancies shall be published in the "Official Gazette of the Republic of Montenegro" and in a daily newspaper issued in the Republic of Montenegro.

Application Procedure

Article 32

The candidates' applications shall be submitted to the Prosecutors Council within 15 days of the date of announcement.

The Prosecutors Council shall reject applications that are belated or incomplete.

The applicant shall have the right to file a complaint with the Prosecutors Council against its decision to dismiss the application that is belated or incomplete within three days of receipt of the decision.

The decision of the Prosecutors Council on the complaint shall be final and can not be challenged in court.

Opinion on candidates' professional and working qualities

Article 33

The Prosecutors Council shall request an opinion on professional and working qualities of all candidates from:

- bodies, commercial companies and other legal persons where candidates had exercised their legal profession;
- the State Prosecutor the candidate is to be appointed with;
- the State Prosecutor who is immediately superior.

Insight into the Opinion on Candidates' professional and working qualities

Article 34

Every candidate shall have the right to have insight into the opinion made on his/her professional and working qualities, as well as the opinion on professional and working qualities of other candidates and to make his/her statement in writing thereof to the Prosecutors Council within three days of having such an insight.

Interview with Candidates

Article 35

The Prosecutors Council shall organise an interview with all the candidates applying for the position of the State Prosecutor or the Deputy.

Proposing the list of candidates for appointment

Article 36

The Prosecutors Council shall propose the list of candidates for appointment of the State Prosecutor or the Deputy at a session closed to the public.

The Prosecutors Council shall submit to the Assembly a list of candidates for appointment of the State Prosecutor or the Deputy together with an explanatory note, which concerns as many candidates as are being appointed and contains Basic particulars on all candidates having applied.

The method of proposing the list of candidates for the appointment of the State Prosecutor and the Deputy shall be regulated further by the Rules of Procedure of the Prosecutors Council.

3. Taking Office

Oath and taking Office

Article 37

The State Prosecutor and the Deputy shall take office on the day he/she takes the oath.

The Chief State Prosecutor shall take the oath before the Assembly on the day of the appointment.

The High State Prosecutor, Basic State Prosecutor and Deputies shall take an oath before the President of the Assembly or a person appointed by him/her, within than 30 days from the day of the appointment.

The text of the Oath

Article 38

The text of the oath shall be as follows:

“I swear upon my honour that I shall exercise the prosecutorial office in accordance with the Constitution and the law.”

The oath shall be taken by stating and signing the text of the oath.

If a State Prosecutor and a Deputy refuse to take the oath, it shall be deemed that be they have desisted from the appointment.

IV DISCIPLINARY RESPONSIBILITY

Disciplinary Responsibility

Article 39

The State Prosecutor or the Deputy shall be subject to disciplinary proceedings if he/she exercises his/her office in a negligent manner or if he/she harms the reputation of the prosecutorial office.

Disciplinary Measures
Article 40

Disciplinary measures shall comprise reprimand or salary reduction.

The salary reduction, which shall not exceed 20%, may be imposed for no longer than six months.

Grounds for disciplinary responsibility
Article 41

The State Prosecutor or Deputy State Prosecutor shall be considered as exercising negligently the prosecutorial office if he/she without justified reason:

- does not take cases in the order they are registered,
- rejects to perform the tasks and duties entrusted to him,
- fails to appear or is late to scheduled hearings or trials in to cases allocated to him or her,
- in other cases when the present Law prescribes that certain actions or omissions amount to negligent performance of the tasks.

The State Prosecutor or Deputy State Prosecutor shall be considered as harming the reputation of the prosecutorial office, particularly if :

- he/she appears at work and comes into contact with parties in a state that is not appropriate to the exercise of prosecutorial office (under the influence of alcohol or narcotic drugs),
- he/she behaves indecently at public places or disturbs public peace and order by way he/she behaves,
- behaves in an improper or insulting manner towards individuals, state authorities or legal in persons in connection with the exercise of his/her office,

Initiation of disciplinary proceedings
Article 42

A proposal for establishment of the responsibility of a State Prosecutor or Deputy State Prosecutor shall be submitted to the Prosecutors Council.

The proposal referred to in Paragraph 1 of this Article may be submitted by: the Minister of Justice for the Chief State Prosecutor, the Chief State Prosecutor, High State Prosecutor and Basic State Prosecutor for their Deputies, the Chief State Prosecutor for the High State Prosecutor and Basic State Prosecutor and by the Higher State Prosecutor for the Basic State Prosecutor within 15 days as of the day he/she learns of the reasons referred to in Article 41 of the present Law and not later than 60 days of the day the reasons for establishment of disciplinary responsibility emerge.

The Prosecutors Council shall forward the proposal for the establishment of the responsibility to the State Prosecutor or the Deputy State Prosecutor whose responsibility is being examined along with the information that he/she has the right to engage a defence counsel.

Dismissal of the Proposal
Article 43

The Prosecutors Council shall dismiss the untimely proposal for the establishment of the responsibility as well as the proposal submitted an unauthorised person.

Disciplinary Body
Article 44

The proceedings for the establishment of the responsibility of the State Prosecutor or Deputy State Prosecutor shall be conducted by the Disciplinary Committee of the Prosecutors Council (hereinafter referred to as: the Disciplinary Committee).

The Disciplinary Committee shall have a Chairman and two members appointed by the Prosecutors Council from amongst its members.

Disqualification
Article 45

A submitter of the proposal and those members of the Prosecutors Council for whom there are circumstances which engender doubt as to their impartiality may not be involved in the work of the bodies conducting the disciplinary proceedings.

The Chairman of the Prosecutors Council shall rule on the disqualification of a member of the Prosecutors Council, and the Prosecutors Council shall rule on the disqualification of the Chairman of the Prosecutors Council.

Statement and absence
Article 46

A proposal for initiation of disciplinary proceedings shall be defended at the Disciplinary Committee meeting by the submitter thereof.

In the proceedings for the establishment of the responsibility the Disciplinary Committee shall hear the State Prosecutor or Deputy State Prosecutor whose responsibility is being examined.

The Disciplinary Committee shall consider such evidence as it deems indispensable to proper and complete determination of the facts.

Should the submitter of the proposal fail to appear at the meeting of the Disciplinary Committee, the proceedings shall be discontinued and should the State Prosecutor or Deputy State Prosecutor whose responsibility is being established fail to appear, the Disciplinary Committee shall conduct the proceedings in his/her absence.

Decision of the Disciplinary Committee
Article 47

In the proceedings for the establishment of the responsibility of the State Prosecutor or Deputy State Prosecutor, the Disciplinary Committee may:

- reject the proposal as unfounded,
- accept the proposal and impose a disciplinary measure, and
- terminate the proceedings if satisfied that there are reasons for the removal, in which case it shall refer the case to the Prosecutors Council.

The decisions made by the Disciplinary Committee shall be furnished to the submitter of the proposal, to the State Prosecutor or Deputy State Prosecutor whose responsibility is being examined and to the Prosecutors Council.

Second instance proceedings Article 48

A complaint against the decision of the Disciplinary Committee may be filed with the Prosecutors Council within eight days of the receipt of the decision.

The complaint may be filed by the submitter of the proposal and the State Prosecutor or Deputy State Prosecutor whose responsibility is being examined or his/her defence counsel.

When acting upon a complaint, the Prosecutors Council may:

- dismiss the complaint as untimely or inadmissible,
- reject the complaint as unfounded,
- vacate the decision and remand the case to the Disciplinary Committee for reconsideration, and
- reverse the decision of the Disciplinary Committee.

The members of the Disciplinary Committee may not be involved in the work of the Prosecutors Council when the latter is deciding upon on the complaints.

Statute of Limitations Article 49

Proceedings to establish disciplinary responsibility of a State Prosecutor or Deputy State Prosecutor must be completed within three months after the day the proposal was submitted.

Should the proceedings not be completed within the period of time specified in paragraph 1 of this Article, it shall be considered discontinued.

V CESSATION OF OFFICE AND REMOVAL

Cessation of the Office Article 50

The office of the State Prosecutor or Deputy shall cease:

- at the expiry of the term of office,
- on resignation,
- on meeting the requirements for retirement,
- on cessation of citizenship,
- if he/she becomes a member of political party bodies,
- if he/she exercises a representative and other public office or a professional activity incompatible with the prosecutorial office,
- if an unsuspended prison sentence has been imposed against him.

**Decision on the cessation of the office
Article 51**

When a reason for the cessation of the office emerges, the Prosecutors Council shall be informed immediately thereon by: the Chief State Prosecutor for the cessation of his/her Deputy and the High State Prosecutor office, the High State Prosecutor for the cessation of his/her Deputy and the Basic State Prosecutor office, and the Basic State Prosecutor for the cessation of his/her Deputy office. The Minister of Justice shall inform the Prosecutors Council on the reasons for the cessation of office of the Chief State Prosecutor.

The Prosecutors Council shall immediately notify the Assembly of the fulfilment of reasons for the cessation of the prosecutorial office.

Should the Assembly not reach a decision on the cessation of the office of the State Prosecutor or Deputy within 30 days as of the receipt of the notification, it shall be deemed that the office of the State Prosecutor or Deputy has ceased upon the expiry of such time period.

The office of the State Prosecutor or Deputy shall cease on the day the Assembly reaches the decision on the cessation of the office or upon the expiry of the time period specified in paragraph 3 of this Article.

**Removal
Article 52**

The State Prosecutor or Deputy State Prosecutor shall be removed from office if:

- 1) he/she be sentenced of a criminal offence which renders him or her unfit for exercise of the prosecutorial office,
- 2) he/she exercises the prosecutorial office unprofessionally or in an unconscionable manner,
- 3) he/she has permanently lost the ability to exercise the office.

The State Prosecutor shall also be removed from office if:

- 1) he/she fails to achieve positive results when directing activities through which the State Prosecutor office is being exercised,
- 2) he/she fails to initiate procedure for the removal or disciplinary proceedings of the State Prosecutor or Deputy although he/she is so authorised and that he/she was aware of, or must have known the reasons for removal.
- 3) He/she was imposed a disciplinary measure twice in the course of his/her term of office
- 4) If he/she fails to submit reports from articles 103 and 104 of the present Law.

**Initiative for removal
Article 53**

An substantiated initiative for removal of the State Prosecutor or Deputy may be submitted by: the Chief State Prosecutor, at least three members of the Prosecutors Council,

Disciplinary Committee, the High State Prosecutor for removal of his/her Deputy and the Basic State Prosecutor, the Basic State Prosecutor for removal of his/her Deputy, and the Minister of Justice for the removal of the Chief State Prosecutor.

Periods of time
Article 54

An initiative for removal shall be submitted to the Prosecutors Council.

Within 30 days from the day of the receipt of the initiative, the Prosecutors Council shall decide whether there are grounds for conducting the procedure for establishing the proposal for the removal.

The Prosecutors Council shall convey the initiative to the State Prosecutor or Deputy to whom the initiative relates.

The State Prosecutor or Deputy State Prosecutor shall have the right to make oral or written representations concerning the initiative for his/her removal within eight days of the receipt .

Setting up the Commission
Article 55

The Prosecutors Council shall dismiss the initiative upon establishing that no grounds for conducting the procedure exist or that the initiative was submitted by an unauthorised person.

If the Prosecutors Council finds that grounds to conduct the procedure exist, it shall set up the Commission for examination of conditions for the removal from office (hereinafter referred to as: the Commission).

Composition of the Commission
Article 56

The Commission shall have a chairman and two members appointed by the Prosecutors Council from amongst its members.

Impartiality
Article 57

The submitter of the proposal and those members of the Prosecutors Council for whom there are circumstances which engender doubt as to their impartiality may not be appointed to the Commission.

Report of the Commission
Article 58

The Commission shall collect information and evidence relevant for determination whether or not the initiative is founded.

The State Prosecutor or Deputy whose removal is being sought shall have the right to be present during the work of the Commission.

The Commission shall submit the report on its work to the Prosecutors Council within 15 days as of the day of setting up the Commission.

A copy of the report shall be submitted by the Commission to the State Prosecutor or Deputy whose removal is being sought.

Session of the Prosecutors Council
Article 59

The submitter of the initiative shall be present at the Prosecutors Council session.

The State Prosecutor or Deputy whose removal is being sought shall have the right to be present at the session of the Prosecutors Council.

The Prosecutors Council shall make the decisions in a closed session.

Decision
Article 60

When rendering deciding upon the initiative, the Prosecutors Council may:

1. reject the initiative as unfounded, or
2. establish the proposal for removal of the State Prosecutor or Deputy.

Right to Defence Counsel
Article 61

The State Prosecutor or Deputy whose removal is being sought shall be entitled to a defence counsel during the course of the procedure before the Prosecutors Council.

Periods of time
Article 62

The initiative for removal can not be submitted upon expiry of three-year period of time counting from the day of emergence of the reasons for initiating the procedure for removal.

Submitting the proposal to the Assembly
Article 63

The Prosecutors Council shall submit a substantiated proposal for the removal to the Assembly within 60 days as of the day of the receipt of the initiative.

The State Prosecutor or Deputy State Prosecutor shall be removed from office on the day the decision on his removal is made.

Suspension
Article 64

The State Prosecutor or Deputy shall be suspended from office if he/she has been remanded to detention or subject to an investigation for a criminal offence which renders him or her unfit for the exercise of the office.

The State Prosecutor or Deputy may be suspended from office after the Prosecutors Council has passed the decision to initiate the procedure for removal.

The Prosecutors Council shall decide on suspension from the office of the State Prosecutor or Deputy.

Notification by the Assembly Article 65

The Assembly shall notify:

- the State Prosecutor or Deputy whose office has ceased, i.e. who has been removed from office,
- in the case the office of a Deputy ceases, the State Prosecutor with whom the Deputy exercised the office.
- the Prosecutors Council.

VI SPECIAL PROSECUTOR FOR SUPPRESSION OF ORGANISED CRIME

Special Prosecutor Article 66

A Department for Suppression of Organised Crime shall be established within the Office of the Chief State Prosecutor, to the purpose of carrying out activities aimed at suppression of organised crime.

The Department shall be headed by the Special Prosecutor for Suppression of Organised Crime (hereinafter referred to as: the Special Prosecutor).

The Special Prosecutor shall, within the limits of his/her competence, have the same rights and duties as a State Prosecutor, if otherwise not provided by the present Law.

Deputy Special Prosecutor Article 67

The Special Prosecutor shall have a Deputy.

The number of the Deputy Special Prosecutors shall be determined by the Prosecutors Council at a proposal of the Chief State Prosecutor and on the basis of an initiative of the Special Prosecutor.

Jurisdiction Article 68

The Special Prosecutor shall carry out all actions that fall under his/her authority to proceed before the court which has subject matter and territorial jurisdiction or other state authorities before which he or he proceeds, in accordance with the law.

Method of Deferring Cases
Article 69

When the High State Prosecutor and the Basic State Prosecutor in the course of performance of the tasks that fall within their competence learn that a criminal case is one of organised crime, they shall be under a duty to immediately inform thereof the Chief State Prosecutor and to defer the case at his/her request.

When, in the manner specified in paragraph 1 of this Article, or in any other manner, the Chief State Prosecutor learns of an organised crime offence, he/she shall immediately assign the case to the Special Prosecutor.

When the Special Prosecutor in the course of the proceedings learns that the committed criminal offence does not have the elements of organised crime, he/she shall continue to act in the case until such time as the proceedings are completed.

The Special Prosecutor shall inform the body in charge of internal affairs on deferral of the prosecution for organised crime offences.

Responsibility
Article 70

The Special Prosecutor shall be accountable for his/her work and for the work of the Department he/she heads to the Chief State Prosecutor.

Requirements for Appointment
Article 71

A person who meets the requirements for appointment of the Chief State Prosecutor may be appointed to a position of the Special Prosecutor.

Appointment
Article 72

The Chief State Prosecutor shall appoint the Special Prosecutor on the written consent of the latter, from amongst the State Prosecutors and Deputies, upon a prior opinion of the Prosecutors Council.

The Chief State Prosecutor shall appoint the Deputy Special Prosecutor on the written consent of the latter, from amongst State Prosecutors and Deputies, at a proposal of the Special Prosecutor.

The Special Prosecutor and his/her Deputy shall be appointed to their positions for the term of office of five years and shall be eligible for reappointment.

Opinion on performance
Article 73

Prior to the appointment of the Special Prosecutor or his/her Deputy, the Chief State Prosecutor shall obtain the opinion on his/her performance.

The Chief State Prosecutor shall obtain the opinion referred to in paragraph 1 of this Article with respect to the State Prosecutor from the immediately superior State Prosecutor and with respect to the Deputy from the State Prosecutor.

The opinion referred to in Paragraph 1 of this Article shall particularly contain the evaluation of performance in pre-trial and criminal proceedings as well as in complex cases.

Removal Article 74

The Special Prosecutor shall be removed in the event of unprofessional performance of the duties entrusted to him/her or if the Department fails to achieve positive results in its work.

The Deputy shall be removed if he/she has not demonstrated professionalism in the performance of duties entrusted to him/her within the Department.

The decision on removal of the Special Prosecutor shall be made by the Chief State Prosecutor.

The decision on removal of the Deputy shall be made by the Chief State Prosecutor at a proposal of the Special Prosecutor.

Rights upon Removal Article 75

The Special Prosecutor or Deputy shall have the right to return to work with the State Prosecutor where he/she exercised the office prior to the appointment, if his/her removal from the position of the Special Prosecutor or his/her Deputy occurred upon expiry of the term of office and upon the resignation.

Should the Special Prosecutor or Deputy State Prosecutor in the event of the expiry of the term of office, resignation or removal decline to return to work with the State Prosecutor where he/she exercised the office prior to the appointment, his/her State Prosecutor or Deputy State Prosecutor office shall cease.

Should it happen that there are no vacancies at the position of the State Prosecutor or Deputy with the State Prosecutor referred to in paragraph 1 of this Article, the Special Prosecutor or Deputy State Prosecutor shall exercise labour-related rights in compliance with the law.

Procedure of Removal from Office Article 76

Should the reasons for removal referred to in Article 52 of the present Law exist, the Special Prosecutor or Deputy shall be removed from their office of the State Prosecutor or Deputy in the manner and in compliance with such procedure as envisaged in the present Law.

Secondment to the Department of Persons Holding a Prosecutorial Office Article 77

The Chief State Prosecutor may, at a request of the Special Prosecutor, second the State Prosecutor or Deputy to the Department for a certain period of time in order to conduct urgent tasks or to act in concrete cases.

The secondment referred to in paragraph 1 of this Article shall be subject to a written consent of the person being seconded to the Department.

The secondment to the Department shall last not longer than one year but it may be extended under the same conditions.

During the period of work within the Department, the seconded person shall be entitled to a salary equal to that of the Deputy of the Chief State Prosecutor.

Salary and other costs incurred by the secondment to work with the Department shall be borne by the Chief State Prosecutor.

Secondment to the Department from Other Bodies

Article 78

The Special Prosecutor may request from the state body or other institution to second an employee of that body or institution to the Department for the purpose of performing professional or administrative tasks in a certain period of time.

The head of the state body or institution shall be under a duty to decide without delay on the request of the Special Prosecutor.

The secondment to the Department shall be subject to a written consent of the employee and shall not last longer than one year.

During the period of work within the Department, the seconded employee shall be entitled to a salary equal to that of an employee in the office of the State Prosecutor.

Salary and other expenses incurred by the secondment to the Department shall be borne by the Chief State Prosecutor.

Official Secret

Article 79

The Special Prosecutor, his/her Deputy, officers of the Department, court employees, police and other authorities that have undertaken certain actions at a request of the Special Prosecutor shall be under a duty to keep as official secrets the information classified official secret under the law or other enactment regardless of the manner by which they became privy to such information.

Along with the information classified official secret under the law or other enactment, the information from pre-trial proceedings for criminal offences of organised crime shall also be deemed official secret.

Handling cases
Article 80

Files, documents and records on investigative actions undertaken during the pre-trial proceedings for criminal offences of organised crime must bear a secrecy mark in accordance with the provisions of the special law.

The Special Prosecutor may, due to justified reasons, determine that a certain case is especially protected, and the content thereof shall be accessible solely to the Deputy he/she designates.

The officers of the Department may be informed about the case referred to in paragraph 2 of this Article solely to the extent necessary for the performance of their tasks, whereon special official records kept.

To the aim of protecting secrecy, the Special Prosecutor may determine that such case be entered into the registries and other records under a special code during the course of the pre-trial proceedings.

Wages
Article 81

The Special Prosecutor and his/her Deputy shall be entitled to monthly wages equal to that of the Chief State Prosecutor, i.e. the Deputy Chief State Prosecutor.

The Special Prosecutor and Deputy shall be entitled to a special bonus payment due to the onerous working conditions and special nature of the tasks they perform.

Direct Application of the Law
Article 82

If otherwise not provided by the provisions of Chapter VI hereof, other provisions of the present Law shall be directly applied with respect to the Special Prosecutor.

VII PROSECUTORS COUNCIL

Jurisdiction
Article 83

The Prosecutors Council shall:

- 1) define the proposal for appointment and removal of State Prosecutors and their Deputies,
- 2) determine the number of Deputy State Prosecutors,
- 3) conduct the proceedings for establishing the disciplinary responsibility of State Prosecutors and their Deputies,
- 4) prepare general and special programs for professional skills development,
- 5) establish the proposal of special appropriations in the budget destined for financing the work of the State Prosecutor,

- 6) establish the Code of Ethics,
- 7) adopt Rules of Procedure on its work,
- 8) perform other duties provided by the law.

Composition of the Prosecutors Council Article 84

The Prosecutors Council shall have a chairman and ten members.

The Chief State Prosecutor shall be the Chairman of the Prosecutors Council by virtue of his/her office.

Members of the Prosecutors Council shall be appointed as follows:

- six from amongst the State Prosecutors and their Deputies,
- one from amongst the professors of the Law Faculty in Podgorica,
- one from amongst practising lawyers,
- one from amongst renowned legal experts in Montenegro, at a proposal of the Protector of Human Rights and Freedoms;
- one representative of the Ministry of Justice.

Term of Office of the Prosecutors Council Article 85

Members of the Prosecutors Council shall be appointed by the Assembly for a four-year term of office. Members of the Prosecutors Council shall be eligible for re-appointment.

The term of office of a member of the Prosecutors Council who has been subsequently appointed to a vacant post in the Prosecutors Council shall expire upon the expiry of the term of office of the Prosecutors Council.

Proposing a Member of the Prosecutors Council Article 86

The Assembly shall appoint the members of the Prosecutors Council from amongst the State Prosecutors and their Deputies at a proposal of the Extended Session of the Chief State Prosecutor; from amongst the professors of Podgorica Law Faculty at a proposal of Podgorica Law Faculty, from amongst practising lawyers at a proposal of the Bar Association of Montenegro, from amongst renowned legal experts at a proposal of the Protector of Human Rights and Freedoms, whereas the representative of the Ministry of Justice shall be appointed at a proposal of the Minister of Justice.

Proposing Candidate for Membership in the Prosecutors Council Article 87

The proposal of a candidate for membership in the Prosecutors Council from amongst State Prosecutors and their Deputies shall be established by the Extended Session of the Chief State Prosecutor by ballot.

The Extended Session of the Chief State Prosecutor, in addition to the Chief State Prosecutor and his/her Deputies, shall also comprise the High State Prosecutors.

Prior to the establishment of the proposal for membership in the Prosecutors Council from amongst State Prosecutors and their Deputies, the Extended Session of the Chief State Prosecutor shall obtain an initial proposal for each State Prosecutor and Deputy State Prosecutor in such manner as to ensure secrecy of the initiative.

Decision on Election of a Candidate to the Prosecutors Council

Article 88

The proposal for election of candidate to the Prosecutors Council from amongst State Prosecutors and Deputies shall be adopted by a majority vote at the Extended Session of the Chief State Prosecutor.

Should there be more candidates proposed than the number of vacancies to be filled by way of election, and insufficient numbers have been elected, there shall be a repeated vote on the candidates who have won the closest number to the number necessary for election. Should a third round fail, the procedure shall be repeated with new candidates.

Cessation of the Function in the Prosecutors Council

Article 89

Membership in the Prosecutors Council shall cease before the expiry of the term of office, if the member himself has requested so or if his/her office or employment that made him/her eligible for the election has ceased.

Cessation of membership in the Prosecutors Council shall be confirmed by the Assembly, on the basis of a notification by the Chairman of the Prosecutors Council.

Method of Work and Decision-Making of the Prosecutors Council

Article 90

The method of work and decision-making of the Prosecutors Council shall be regulated in the Rules of Procedure of the Prosecutors Council.

VIII ORGANIZATION OF WORK OF THE STATE PROSECUTOR

1. Prosecutors Administration

Organisation of Work

Article 91

The organisation of work of the State Prosecutor shall mean the management, organisation of the State Prosecutor session and activities of the prosecutorial administration.

Management

Article 92

The State Prosecutor shall organise work, assign the tasks and take measures for orderly and timely performance of the State Prosecutor duties.

The State Prosecutor shall be responsible, within the limits of his/her powers, for orderly and timely performance of tasks.

Duty of the Chief State Prosecutor
Article 93

The Chief State Prosecutor shall be responsible for performance of the State Prosecutor tasks and shall be under a duty to take measures and actions requisite for efficient performance of the State Prosecutor tasks.

Substitution
Article 94

When the State Prosecutor is absent or prevented from performing the tasks, he/she shall be substituted by the Deputy appointed at the Session of the State Prosecutor for each calendar year, at a proposal of the State Prosecutor.

Disposition of tasks
Article 95

An annual disposition of tasks shall be established by the State Prosecutor not later than 15 January for the current year. The annual disposition shall provide for equal allocation of State Prosecutors' tasks and required specialised training of the Deputies.

Conference of Prosecutors
Article 96

The State Prosecutor shall convey a conference for the purpose of examining certain issues of importance for his/her work.

The Conference of Prosecutors shall be made up of the State Prosecutor and his/her Deputies.

The Conference of Prosecutors shall be conveyed and chaired by the State Prosecutor.

The State Prosecutor shall be under a duty to convey the Conference of the prosecutors at a request of at least one third of his/her Deputies.

The decisions at the Conference of prosecutors shall be made if at least two thirds of Deputy prosecutors are present. The decisions shall be of final effect if voted for by a majority of members attending the Conference, unless otherwise provided by the present Law in respect of specific issues.

The method of the Conference work shall be regulated in more detail by the Rules of Procedure of the Conference.

Scope of Work of the Conference
Article 97

The Conference of prosecutors shall:

- 1) give opinion on the candidates for holders of the prosecutorial office,
- 2) examine the work program and report,
- 3) take a position concerning general issues falling within the scope of work of the State Prosecutor,
- 4) adopt the Rules of Procedure on its work,
- 5) examine a proposal of annual disposition of tasks.

Prosecutors Administration Article 98

The State Prosecutor shall perform the activities of prosecutorial administration.

The prosecutorial administration shall include the activities which ensure orderly and timely performance of the work of the State Prosecutor, and particularly: internal disposition of tasks; examining complaints and petitions; managing of the information system; keeping prescribed records and reports; work of the filing office and archives; finances.

The tasks of the prosecutorial administration and the manner of their performance shall be precisely regulated by the Rules of Procedure of the State Prosecutor.

The supervision over the performance of tasks of the prosecutorial administration shall be carried out by the Ministry of Justice.

Professional Skills Development Article 99

The Chief State Prosecutor or a person authorised by him shall be in charge of the realisation of general and special programs of professional skills development adopted by the Prosecutors Council.

The Chief State Prosecutor or the person authorised by him may organise seminars, courses and other types of professional skills development.

Submission of Data to the Competent Ministry Article 100

The Chief State Prosecutor shall, at a request of the Ministry of Justice, provide such information as may be required for monitoring the organisation and work of the State Prosecutor, application of the Rules of Procedure of the State Prosecutor, handling the complaints and petitions of citizens, as well as general information on prosecution of perpetrators of criminal offences and other acts punishable under the law.

Supervision by the Competent Ministry Article 101

The Ministry of Justice shall, through an authorised officer, carry out the supervision over the work of the State Prosecutor, with respect to:

- 1) organisation of work of the State Prosecutor in compliance with the Rules of Procedure of the State Prosecutor,
- 2) handling complaints and petitions,
- 3) work of the filing office and archive,
- 4) keeping of official records, and
- 5) other tasks related to proper work and performance of duties of the prosecutorial administration.

By-laws
Article 102

The Ministry of Justice affairs shall:

- 1) upon having obtained the opinion of the Prosecutors Council, adopt the Rules of Procedure of the State Prosecutor which shall govern the issues envisaged in the present Law, as well as other issues of importance for the organisation of work of the State Prosecutor,
- 2) prescribe the form, manner, procedure, records of issuance of official identity cards of State Prosecutors and their Deputies,
- 3) adopt other acts of importance for the work of the State Prosecutor.

Annual Report
Article 103

The Chief State Prosecutor shall submit to the Assembly an annual report on the work of the State Prosecutor.

The annual report on work shall particularly contain the following: general statistical overview of all cases dealt with, general estimate of the criminal activities with special emphasis on organised crime and corruption, and a proposal of measures aimed at improving the work of the State Prosecutor.

The annual report on work of the State Prosecutor shall be submitted not later than 31 March for the preceding year.

Special Report
Article 104

The Chief State Prosecutor shall be under a duty to submit, at a request of the Assembly and the Government, a special report on criminal activities and on the problems and occurrences he/she has identified in the course of his/her work.

Relations with the Public
Article 105

Information on the work of the State Prosecutor shall be disclosed by the Chief State Prosecutor or a person authorised by him.

Information that could affect the conducting of the proceedings shall not be disclosed to the media.

Disclosure of information referred to in Paragraph 2 of this Article shall be considered as harming the reputation of the prosecutor's function.

2. Working methods

Temporary Secondment

Article 106

The Deputy State Prosecutor may, with his/her consent, be temporarily seconded to another State Prosecutor not longer than six months in a calendar year.

Exceptionally, a Deputy State Prosecutor may be temporary seconded to work with another State Prosecutor without consenting thereto, not longer than three months in a calendar year.

The temporary secondment shall be made when the regular performance of the tasks has been brought into question due to the Deputy State Prosecutor being prevented from attending to his/her duties or disqualified, or due to other reasons.

The immediately High State Prosecutor shall decide on the temporary secondment to another State Prosecutor.

Salaries and other costs incurred by the secondment of the Deputy to another State Prosecutor shall be borne by the State Prosecutor the Deputy is being seconded to.

Professional Assistance

Article 107

The State Prosecutor may engage a person who possesses the required professional skills or set up a team of experts or an expert working body in order to clarify specific issues arising in the course of his/her work.

The State Prosecutor may decide that the persons referred to in paragraph 1 of this Article be remunerated for the services rendered.

Work on Duty and Alert

Article 108

The State Prosecutor shall be under a duty to organise continuous duty hours or alertness in order to ensure efficient performance of duties, particularly crime scene investigations and other non deferrable tasks in connection with potential perpetration of criminal offences and other punishable acts.

The schedule and duration of the duty hours and alertness shall be determined by the State Prosecutor.

Allocation of Cases

Article 109

The cases shall be allocated in such a manner as to ensure impartiality, independence and efficiency in the performance of the tasks.

Instructions for Work
Article 110

The Chief State Prosecutor shall issue the High State Prosecutor and the Basic State Prosecutor with mandatory instructions for work.

The High State Prosecutor shall issue the Basic State Prosecutor from within his/her district with mandatory instruction for his/her work.

In the sense of the present Law, the mandatory instructions for work shall be deemed to mean instructions of general character and instructions to be followed in individual cases.

The mandatory instructions of general character be issued by the Chief State Prosecutor, whereas the High State Prosecutor and the Basic State Prosecutor may initiate the issuance thereof when they find it requisite.

The mandatory instructions to be followed in individual cases shall be issued by the Chief State Prosecutor for his/her Deputies, High and Basic State Prosecutors, by the High State Prosecutor for his/her Deputies and Basic State Prosecutors from within his/her district and by the Basic State Prosecutor for his/her Deputies.

Method of Issuing of the Instructions for Work
Article 111

The State Prosecutor or Deputy who has been given an instruction to be followed in an individual case shall have the right to point out that the instruction is unlawful or ill-founded and to request to be provided with the same in writing if it was communicated orally, or to be given written instructions anew if the instruction was issued in writing in the first place.

Should the instructions to be followed in an individual case be given anew in the sense of paragraph 1 of this Article, and the State Prosecutor or Deputy State Prosecutor is still of the opinion that such instruction is unlawful or ill-founded, the State Prosecutor may, upon a substantiated request in writing, release him from further acting in the case and assign another State Prosecutor or Deputy to handle the case, provided there is no danger of postponement.

The instructions to be followed in an individual case shall be issued in writing and accompanied by a relevant explanation. Exceptionally, the instruction may be communicated orally, but the it must be issued in writing in a reasonable period of time.

3. *Relations and Co-operation*

Relations between State Prosecutors
Article 112

The Chief State Prosecutor may directly exercise all powers and take over all tasks vested by the law in the High State Prosecutor or the Basic State Prosecutor.

Due to justified reasons, individual cases or certain actions falling within the competence of the High State Prosecutor or Basic State Prosecutor may be entrusted by the Chief State Prosecutor to another State Prosecutor, which has subject matter jurisdiction..

The High State Prosecutor may directly exercise all powers and carry out all duties vested by the law in the Basic State Prosecutor.

The High State Prosecutor may, due to justified reasons, entrust individual cases or certain actions falling within the competence of the Basic State Prosecutor from within his district to another State Prosecutor which has subject matter jurisdiction.

The decision on taking over the powers and tasks or entrusting them to another State Prosecutor shall be made in writing.

Disqualification Article 113

When there is a conflict of rights and interests between the parties he/she is representing under the law in property-law cases, the State Prosecutor or Deputy State Prosecutor shall be disqualified from the case and the parties shall have their rights and interests protected through the assistance of an attorney of their own choosing.

When he finds there are justified reasons to do so, the State Prosecutor or Deputy State Prosecutor may seek, by way of a written request, to be disqualified.

Immediately superior State Prosecutor shall decide on the disqualification of the State Prosecutors, whereas the General Session of the Chief State Prosecutor shall decide on the disqualification of the Chief State Prosecutor. The State Prosecutor shall decide on the disqualification of his/her Deputy.

Relations with Courts and Other State Authorities Article 114

The State Prosecutor or Deputy State Prosecutor shall have a power to request from courts and other state authorities to be provided with such files, information and notifications as may be required for taking the measures falling within his/her competence, while courts or other state authorities shall be under a duty act upon the request.

The State Prosecutor or Deputy State Prosecutor shall be under a duty to forward the files and information requested by the court or other state authority when these are required for the performance of the function of the latter.

International Co-operation Article 115

The State Prosecutor may co-operate directly with prosecutors of other countries within the framework of international agreements and other international documents.

The method and conditions of the co-operation referred to in paragraph 1 of this Article shall be determined by the Prosecutors Council.

Official Attire
Article 116

The State Prosecutor or Deputy State Prosecutor shall exercise his/her function wearing the official attire (toga).

The toga shall look and be worn in such a way as prescribed by the Rules of Procedure of the State Prosecutor.

4. Supervision

Competence
Article 117

The Chief State Prosecutor shall supervise the work of the High State Prosecutors and Basic State Prosecutors.

The High State Prosecutor shall supervise the work of the Basic State Prosecutor.

Types of Supervision
Article 118

The supervision over the work of the State Prosecutor shall be carried out by way of annual reports, special work reports, direct insight into the work, or in other appropriate way.

The direct insight into the work of the State Prosecutor shall be carried out, as a rule, once a year by the immediately superior State Prosecutor.

Evaluation of the work of the State Prosecutor shall be presented to the Prosecutors Council and the Chief State Prosecutor.

5. Internal Organisation and Systematisation

Officers
Article 119

State Prosecutors shall have an adequate number of officers performing expert, administrative and technical duties.

An act on internal organisation and systematisation shall be passed by the State Prosecutor with the approval of the Government.

Expert associate
Article 120

A law graduate with the bar exam who meets the general requirements for work in state administration shall be eligible for the post of an expert associate.

The expert associate shall assist the State Prosecutor and Deputy State Prosecutor in performance of their duties, and he/she shall particularly: draft documents and decisions, make records of citizens' petitions, claims and statements and perform other duties under the supervision or following general instructions of the State Prosecutor or Deputy State Prosecutor.

Exceptionally, the Basic State Prosecutor may authorise the expert associate to represent indicting proposals in proceedings before the court.

**Trainee
Article 121**

Eligible to be a trainee shall be a law graduate meeting general requirements for work in state administration.

A trainee shall be admitted to employment for a period of two years.

Should a trainee, as evaluated by the Conference of Prosecutors, distinguish himself through outstanding performance during the course of the training, his/her employment may be extended after the expiry of the training period for an additional year, provided that he/she passes the bar exam within three months.

**Volunteer
Article 123**

A law graduate may be admitted to practice with the State Prosecutor as a volunteer for the purpose of acquiring conditions for taking the bar exam.

**Secretary
Article 123**

The Chief State Prosecutor shall have a secretary to assist him in performance of the tasks of the Prosecutors administration.

The High State Prosecutor and the Basic State Prosecutor who work with at least ten Deputies shall have a secretary to assist him in performance of the tasks of the Prosecutors administration.

The secretary must meet the same requirements as the expert associate referred to in Article 120 of the present Law.

**Article 124
Principles of Internal Organisation and Nomenclature of Tasks**

The principles of internal organisation, groups of posts and the description thereof, official titles and requirements for holding such posts shall be set out by the regulation governing the issues of judicial i.e. Prosecutors administration.

IX OFFICIAL SECRET AND PROTECTION OF SECRECY OF DATA

**Official Secret
Article 125**

The State Prosecutor, Deputies State Prosecutor and officers shall be under a duty to keep official secret, regardless of the manner by which they became privy thereto.

The official secret shall be deemed to mean specifically the following:

- 1) all that has been classified as official secret by way of the law or other enactment,
- 2) all that has been classified as official or business secret by way of general acts of legal persons and other organisations and institutions,
- 3) data and documents specifically classified as official or business secret by state authorities or legal persons and other organisations and institutions,
- 4) data and documents classified as official secret by the State Prosecutor or Deputy State Prosecutor.

In the pre-trial proceedings, the content of a written document may not be made public, instead, the public may only be provided with the information about the undertaken official acts.

The manner of labelling and handling secret data and documents shall be defined by the Rules of Procedure of the State Prosecutor.

Obligation of Keeping Official Secret Article 126

The duty of keeping official secret shall continue after expiry of the employment with the State Prosecutor.

The State Prosecutor may decide to release Deputy State Prosecutor or officer from keeping official secret, provided there are justified reasons to do so in individual cases. The decision on releasing the State Prosecutor from keeping official secret shall be made by immediately superior State Prosecutor, and the Chief State Prosecutor shall be released by the Government decision.

Secrecy of Data Article 127

State Prosecutors, Deputy State Prosecutors and officers must not disclose to unauthorised persons data which they have learned during the course of the proceedings and which relate to private and family life of natural or financial position of legal persons.

X FINANCING OF THE PROSECUTOR'S OFFICE

Funds Article 128

Funds for the work of State Prosecutor shall be allocated in a special line of the budget of the Republic of Montenegro.

The proposal of the special budget line shall be prepared and submitted to the Government by the Prosecutors Council.

XI TRANSITIONAL AND FINAL PROVISIONS

Article 129

Upon entry into force of the present Law, the State Prosecutor of the Republic of Montenegro and superior and Basic prosecutors appointed in accordance with the Law on the State Prosecutor (Official Gazette of the Republic of Montenegro, No. 30/93), shall continue their work until the expiry of their term of office under following titles: the State Prosecutor of the Republic of Montenegro as the Chief State Prosecutor, the High prosecutor as the High State Prosecutor and the Basic prosecutor as the Basic State Prosecutor.

Article 130

Upon entry into force of the present Law, Deputies of the State Prosecutor of the Republic of Montenegro, Deputies of High prosecutors and Deputies of Basic prosecutors appointed in accordance with the Law on the State Prosecutor (Official Gazette of the Republic of Montenegro, No. 30/93), shall continue their work until the expiry of their term of office under the following titles: Deputies of the State Prosecutor of the Republic of Montenegro as Deputies of the Chief State Prosecutor, Deputies of High prosecutors as Deputies of High State Prosecutors and Deputies of Basic prosecutors as Deputies of Basic State Prosecutors.

Article 131

The Chief State Prosecutor shall appoint the Special Prosecutor not later than a month as of the day of the appointment of the Prosecutors Council.

Article 132

The members of the Prosecutors Council shall be appointed in accordance with the provisions of the present Law not later than three months as of the day the present Law enters into force.

Article 133

Until the members of the Prosecutors Council have been appointed, the State Prosecutors and their Deputies shall be appointed in accordance with the Law on the State Prosecutor (Official Gazette of the Republic of Montenegro, No. 30/93).

Article 134

The cases dealt with by the Basic Prosecutor of Niksic before the Basic Court of Zabljak prior to the entry into force of the present Law, shall be completed by the Basic Prosecutor of Niksic.

Article 135

Implementing regulations under the present Law shall be passed not later than one year as of the day of the present Law enters into force.

Until the regulations referred to in paragraph 1 of this Article have been adopted, the existing by-laws shall be applied.

Article 136

As of the day the present Law enters into force, the Law on the State Prosecutor (Official Gazette of the Republic of Montenegro, No. 30/93) shall cease to be applicable, save for the provisions which are specified to be applicable until the deadline set by the present Law.

Article 137

The present Law shall come into force on the eighth day as of the day of its publication in the "Official Gazette of the Republic of Montenegro".