

DECREE ON THE CONTROL OF THE ENFORCEMENT OF SUPERVISION MEASURES THROUGH ELECTRONIC MONITORING

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Pursuant to Article 166 paragraph 3 of the Criminal Procedure Code (Official Gazette of Montenegro 57/09, 49/10, 47/14, 2/15, 35/15, 28/18, 116/20, 145/21 and 54/24), the Government of Montenegro, at its session held on 17 July 2025, adopted the following

DECREE

ON THE CONTROL OF THE ENFORCEMENT OF SUPERVISION MEASURES THROUGH ELECTRONIC MONITORING¹

Article 1

This Decree regulates the control, through electronic monitoring, of the enforcement of the prohibition of leaving an apartment, the prohibition of leaving a place of residence, the prohibition of visiting a specific place or area and the prohibition of approaching or meeting specified persons (hereinafter referred to as: supervision measures).

Article 2

Terms used in this Decree for natural persons in the masculine gender shall also include the corresponding terms in the feminine gender.

Article 3

Head of the organisational unit performing police duties within the state administration authority responsible for internal affairs (hereinafter referred to as: the police) within whose area the accused has residence or a place of residence shall, upon receipt of the decision of the court imposing the supervision measure, designate a police officer to coordinate the control of the enforcement of supervision measures through electronic monitoring (hereinafter referred to as: the authorised police officer).

Authorised police officer shall, without delay, submit a copy of the decision referred to in paragraph 1 of this Article to the organisational unit of the police responsible for matters relating to the electronic systems of the police.

¹ Official Gazette of Montenegro 088/25 of 5 August 2025

Article 4

Organisational unit referred to in Article 3 paragraph 2 of this Decree shall, in the presence of the authorised police officer and no later than 24 hours following the receipt of the copy of the decision referred to in Article 3 paragraph 1 of this Decree, verify whether the conditions for installing the electronic monitoring device (hereinafter referred to as: the device) and equipment have been met, install the device and equipment, inform the accused and members of the household of the accused of the operation of the device and equipment and of their rights and obligations and provide detailed instructions on the operation of the device and equipment, of which a record shall be drafted.

Should the device and equipment be successfully installed, the accused shall sign a receipt for the device and equipment.

Should the conditions for installing the device and equipment not exist or the device and equipment not be installed for any reason, the authorised police officer shall notify the court that imposed the supervision measure and the head of the organisational unit referred to in Article 3 paragraph 1 of this Decree thereof.

Article 5

Once the device and equipment have been installed and activated, monitoring under the electronic monitoring system shall be carried out by the organisational unit of the police responsible for operational and communications duties, using technical means of supervision.

Article 6

Notification of the commencement of the control of the enforcement of supervision measures through electronic monitoring shall be given by the authorised police officer to the court that imposed the supervision measure and to the organisational unit referred to in Article 5 of this Decree.

Notification referred to in paragraph 1 of this Article shall be accompanied, when submitted to the court that imposed the supervision measure, by a copy of the record referred to in Article 4 paragraph 1 of this Decree and the receipt referred to in Article 4 paragraph 2 of this Decree.

Article 7

Should the supervision measure expire or a decision revoking the supervision measure be received, the organisational unit referred to in Article 3 paragraph 2 of this Decree shall deactivate the device and equipment and shall, without delay, notify the organisational unit referred to in Article 5 of this Decree, the accused and the authorised police officer thereof.

The device and equipment shall be removed from the apartment the accused lives in or from the premises functionally connected with the apartment or from the accused at an agreed time and no later than 24 hours following their deactivation.

Article 8

Should the accused violate the supervision measure imposed in any manner or should the court that imposed that measure so require, the authorised police officer shall, without delay, submit a report to that court.

The report referred to in paragraph 1 of this Article shall contain information on the accused, the name of the court that imposed the supervision measure, the number and date of the decision imposing the supervision measure, information on the type of supervision measure, the date and time of installation of the device and equipment and other information relevant to the enforcement of the supervision measure and, should the supervision measure be violated, information on the times when the accused violated the supervision measure.

Should the supervision measure expire or be revoked, the authorised police officer shall submit to the court that imposed that measure a report which, in addition to the information referred to in paragraph 2 of this Article, shall also contain information on the date and time of deactivation and removal of the device and equipment.

Article 9

Records on the control of the enforcement of supervision measures through electronic monitoring shall be kept by the police in an electronic data-processing system containing information on the following:

- the accused (name and surname, nickname, sex, date, place and country of birth, nationality, residence or place of residence);
- the criminal offence (statutory name of the offence, indicating the Article, paragraph and item of the law applied);
- the decision imposing the supervision measure (name of the court, number and date of the decision, type and duration of the measure);
- the organisational unit referred to in Article 3 paragraph 1 of this Decree;
- the authorised police officer;
- the device and equipment (date and time of installation of the device and equipment and date and time of deactivation of the device and equipment);
- the rights and obligations of the accused during the enforcement of the supervision measure;
- the decision extending or revoking the supervision measure (name of the court, number and date of the decision, type and duration of the measure where the measure is extended) or the date of expiry of the supervision measure;
- reports on the control of the enforcement of the supervision measure (number and date); and
- other information relevant to the enforcement of the supervision measure.

Article 10

This Decree shall enter into force on the eighth day following the date of its publication in the Official Gazette of Montenegro.

No.: 11-011/25-2516

Podgorica, 17 July 2025

Government of Montenegro

President,

MSc Milojko Spajić, signed