

UNDERMINING DEMOCRACY. VOL 2:

**ELECTIONS THAT ARE
ANYTHING BUT**

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An ongoing reform

This is the second volume of the "Undermining Democracy in Montenegro" series, which outlines Montenegro's key problems in meeting the political criteria for membership in the European Union (EU) and establishing and defending the key principles of good democratic governance.

The second volume of the series is dedicated to what is supposed to be the backbone of any democratic society - holding fair and democratic elections.

The 14 examples listed herein are to serve merely as a quick rundown on the collapse of our electoral system, institutions, good practices and standards as caused by the political elites, whilst acknowledging that there were many more of such examples in the past several years.

After the 2016 parliamentary elections, politicians decided to come up with "convincing" reasons, i.e. excuses for why the necessary electoral reform should not take place. They forgot about all the promises they made in their pre-election, parliamentary and other euphoria, and dismissed the importance of maintaining the stability of the existing and establishing new democratic mechanisms for fair elections, and decided to offer "reforms" that are more important than revamping the electoral system. They forgot about what their job was and chose to undermine democratic principles in their own country through inaction and obstruction.

This publication lays out the more or less widely known events that thwart democracy and fair elections in Montenegro. This is a new attempt at drawing public attention to the fact that we have now moved into a dangerous zone, where politics, with its aggressive PR and relativization of autocratic moves, aims to normalize a situation that would not be considered normal in any democratic society. There were plenty of such cases, however, we are hereby singling out the explanation behind unconstitutional postponement of elections "due to the tourist season" as an example that best illustrates the behavior of political actors.

And this is precisely our goal: citizens should be made aware that unconstitutional postponing of elections should never be perceived as acceptable or normal for any reason whatsoever. If someone unlawfully strips you off your right to vote, then this is no longer democracy, but violence that we need to firmly stand up to.

Also, it is not and cannot be normal to have the electoral roll in disarray, with election administration making decisions as dictated by political parties and not by the law, and

citizens not having the right to influence the order in which a party's candidates are elected. Never and under no circumstances should it become normal for our parties to have their campaigns illegally funded by either tycoons, criminals or foreign powerholders. Likewise, neither the church nor anyone else should be allowed to interfere in the election process.

All the genuinely progressive citizens must actively work to ensure that the monstrous formula - "one employee, four votes" never gets perceived as normal by anyone.

The "Undermining Democracy" series aims to stir citizens into thinking and engaging in activism. That said, we remain open to any and all suggestions and well-meaning and constructive criticism of our work, this publication included.

CDT team

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Case 1: Electoral “reform” without the opposition

In the past few years, the almost unprecedented practices of violating democratic rules and procedures have been patented in Montenegro’s political life. One of them is the electoral reform without the opposition.

Following the 2016 parliamentary elections, all of the 39 opposition MPs embarked on parliamentary boycott. The Democratic Front (DF), the Democrats, Demos, the Socialist People's Party (SNP), the United Reform Action (URA) and the Social Democratic Party (SDP) conditioned their parliament comeback on a full investigation into allegations of the "coup d'état" case, as they believed the events that had taken place on election day had a major influence on the result of the parliamentary elections. The SDP briefly halted the boycott in April 2017 to support Montenegro's NATO membership¹. The DF returned to parliament in October 2017², and SDP and Demos ended the boycott in May 2018 after the local elections³, while URA, SNP and the Democrats continued to boycott parliamentary sessions.

The then ruling coalition tried to simulate the otherwise unilateral process, which goes against democratic rules that entail both government and opposition participating in the electoral reform. In October 2017, the parliament established a working group tasked with implementing OSCE/ODIHR recommendations⁴. It was made up of the ruling majority MPs only, as the opposition parties failed to appoint their representatives. This working group conducted consultations with stakeholders, but had neither the political strength nor the will to genuinely tackle the key electoral issues. The parliament adopted only the proposals that do not require the qualified majority - the Law on Amendments to the Law on Electronic Media, the Law on Amendments to the Law on the Electoral Register and the Law on Amendments to the Law on Financing of Political Entities and Election Campaigns. The "umbrella" Law on the Election of Councilors and MPs has not been amended⁵. This one-sided approach was yet another failure of the then majority.

¹ Predrag Tomovic, “A historic decision - Montenegro votes to join NATO”, *Radio Free Europe*, 28.04.2017

² Al Jazeera and Agencies, “DF ends boycott of the Montenegrin parliament”, *Al Jazeera*, 25.10.2017

³ Biljana Rovcanin, “SDP and Demos are ending the boycott, others are not”, *RTCG portal*, 29.05.2018

⁴ Conclusion of the Parliament of Montenegro as of 10.10.2017. For more details, see: http://arhiva.skupstina.me/images/dokumenti/Radna_grupa/4532-00-32-5-17-42.pdf

⁵ The Parliament of Montenegro, Minutes from the Tenth Session of the Second Ordinary (Autumn) Sitting in 2017 of the 26th Convocation of the Parliament of Montenegro, held on December 28 and 29, 2017

Case 2: “Convincing” reasons for undermining democracy

Another major "feature" of the electoral reforms following the 2016 elections is finding the almost inconceivable excuses for stopping any meaningful effort towards meeting this important precondition of our democratic development and requirements for the continuation of European integration.

In 2018, the political dialogue was restored and the electoral reform was initiated, with intervention by the EU. The Committee on Comprehensive Reform of Election and Other Laws was established in November 2018.

A little earlier that year, in June, the Democrats leader Aleksa Becic and URA leader Dritan Abazovic presented the Electoral Reform Plan to EU Enlargement Commissioner Johannes Hahn in Brussels⁶. Before the formation of the Committee, the two parties announced the establishment of a non-parliamentary forum for electoral reforms. However, they did not take part in the process - the Democrats and URA representatives boycotted the work of the newly established Committee right from the start, labelling it a "DPS body for making cosmetic changes to election laws"⁷. In November 2018, the DF made an arguably justified decision to boycott the work of all parliamentary committees, including the election reform committee, due to the arrest of MP Nebojsa Medojevic⁸. The SDP was also in and out of the Committee in protest against the “Envelope” affair and due to the refusal of their initiative to form a caretaker government.

After almost a year, on July 31 2019, the parliament adopted changes to the decision on Electoral Reform Committee, thus extending the deadline for adoption of legal amendments. An agreement was reached that decisions of the Electoral Committee would, from then on, be made by a three-quarters instead of a two-thirds majority, and that a supervisory body for monitoring the implementation of the law was to be set up⁹. In turn, representatives of the then majority, the Democrats and the SDP agreed to appoint their members to the Committee.

⁶ "Becic and Abazovic handed Montenegro's electoral reforms plan to Hahn", *Radio Free Europe*, 20.06.2018

⁷ Samir Kajosevic, "Rushing back before the summer break", *Vijesti online*, 29.07.2019

⁸ Dimitrije Jovicevic, "Years of political crisis in Montenegro", *Radio Free Europe*, 29.12.2018

⁹ "Changes to the decision on setting up the committee adopted, the request for the formation of a caretaker government rejected", *Portal Analitika*, 31.07.2019

However, this was another electoral reform attempt that failed miserably in December 2019. The Democrats decided to leave the committee, making their return contingent on withdrawal of Freedom of Religion Act from parliamentary procedure, and the Committee thus lost the necessary majority for decision-making.

Case 3: Boycott, negligence and new excuses

Another Montenegrin political scene's "contribution" to political theory is parliamentary boycott staged by both opposition and government. Of course, the whole process was propped by new excuses aimed at ensuring that the electoral reform never takes place.

After the 2020 elections, it seemed that the time was finally coming when electoral reform would truly be a priority, as announced in inaugural speeches of both the speaker¹⁰ and prime minister¹¹ of Montenegro, as well as in election programs of the new majority.

In late December 2020, the new parliamentary convocation accepted the joint proposal by the government and the opposition, and adopted a decision on the establishment of a comprehensive electoral reform committee¹², which was to complete its work by no later than June 30 2021. However, the chairman and members of the committee were elected only in late March 2021¹³. The deadline for the completion of the committee's work was extended twice, by six months each time, only to have the committee dismantled altogether on July 31 2022.

After the initial enthusiasm, problems started cropping up in the functioning of the parliament, which also affected the work of the committee in question. The strongest parliamentary and opposition group, the DPS, which had been blaming the opposition's boycott for the reform flop back when they were in power, now opted for the very same strategy – parliamentary boycott. As early as in December 2020, following the adoption of amendments to the Law on Freedom of Religion, the DPS announced a boycott until the Constitutional Court's ruling on whether the session had the quorum and validity of the vote. They returned to the parliament on February 18 2021 to take part in sessions

¹⁰ Aleksa Becic's oath and speech after his election as parliament speaker. Available at: <https://www.youtube.com/watch?v=JgQaCSmDGsM>. Accessed on: 10.10.2022

¹¹ Dusan Cicmil, "Read the entire keynote speech by PM-designate", *Vijesti online*, 30.11.2020

¹² Parliament of Montenegro, Decision on the establishment of the Committee for Comprehensive Electoral Reform, 23.12.2020

¹³ MINA, "The Committee for Comprehensive Electoral Reform established", *RTCG portal*, 31.03.2021

on amendments to prosecutorial laws¹⁴. They resumed the boycott in May, only to again briefly interrupt it in June to vote on the dismissal of Justice Minister Vladimir Leposavic and the Resolution on Srebrenica¹⁵. They officially ended the boycott on July 29 2021. The peculiarity here is that the largest group from the ruling majority (the DF) also boycotted the parliament. After the dismissal of Minister Leposavic in June 2021, the DF left the parliamentary session and started a boycott that lasted until November 2021¹⁶. Thus, political forces that had a qualified majority for electoral legislation amendments were not participating in the work of the electoral reform committee, rendering its existence meaningless.

The Comprehensive Electoral Reform Committee held only six sessions in 2021. The committee working groups did not start working more intensively on drafting the provisions before December. Although this issue was proclaimed a priority, there were other topics on the parliament's agenda – religious, national, populist themes, motivated by narrow partisan interests.

The beginning of 2022 ushered in a new parliamentary crisis, the restructuring of the parliamentary majority followed by government collapse in February, and the election of a new government in late April 2022. In this period, the committee was not functioning, although the parliament was in full composition. The new prime minister also underscored electoral reform as a priority in his keynote speech. However, the Committee for Comprehensive Electoral Reform did not convene even once in 2022, and the fact that its "validity period" expired on July 31 went completely unnoticed by the public.

Case 4: When tourist season trumps elections

The approach of different branches of government in deciding on the next local elections is yet another example of undermining democracy in Montenegro. This time around, the politicians figured out how to unconstitutionally deprive citizens of their right to vote.

The parliament adopted amendments to the Law on Local Self-Government, whereby local elections in 14 municipalities, initially scheduled for June and July, got postponed for October 23. Apart from postponing the elections, this decision also caused legal chaos in the country due to unlawful election of municipal presidents by councilors whose

¹⁴ Zeljka Vucinic, "An unprecedented year in parliament", *Vijesti online*, 05.01.2022

¹⁵ "Montenegro bans denial of the Srebrenica genocide, Minister Leposavic dismissed", *Radio Free Europe*, 17.06.2021

¹⁶ Zeljka Vucinic, "Part of the parliamentary majority withdraws amendments to the Law on Same-Day Local Elections", *Vijesti online*, 12.11.2021

mandates had expired. It also caused many misgivings and issues with respect to deadlines for holding the postponed elections.

The CDT issued public statements that warned against such dangerous legal measures, and submitted an initiative for constitutional review of the adopted changes. Only two months later, the Constitutional Court rendered the decision - the Law on Amendments to the Law on Local Self-Government was not in line with the Constitution.

Apart from being belated, the court's decision did not offer any solutions to the resulting legal dilemmas. The decisions and legal consequences resulting from implementation of the unconstitutional law were not suspended even after the decision of the Constitutional Court. The state president was thus given free rein in interpreting and deciding on the election process.

Essentially, although citizens were unconstitutionally stripped of their right to rate the work of local authorities whose mandate had expired, this intervention went unpunished. Still, the "reasoning" behind election postponement which says – we need to get better prepared for tourist season – is an excuse that will go down in history. This particular argument actually embodies the entire democratic potential of Montenegrin politicians and their understanding of democracy.

Case 5: Redistricting and tampering with electoral will

MPs also adopted the Proposal for Amendments to the Law on the Territorial Organization of Montenegro in mid-August, awarding Zeta the status of an independent municipality. The law was passed after local elections had already been called, and Zeta was singled out from Podgorica, thus forming a new constituency.

Redistricting is a very dangerous political practice that goes against international standards for democratic elections.

Namely, the International Covenant on Civil and Political Rights (ICCPR) from 1966, Article 25(b) reads that “the drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group and should not exclude or restrict unreasonably the right of citizens to choose their representatives freely.” These changes ushered in *gerrymandering* in the Podgorica constituency - a manipulative political tool that disrupts the democratic electoral process, undermines democratic and universal electoral principles, making elections pointless.

These changes directly violate the Code of Good Practice in Electoral Matters of the Venice Commission, item II.2.B, which stipulate that the process of drawing constituency boundaries may take place at least one year prior to elections: "The fundamental elements of electoral law, in particular the electoral system proper, membership of electoral commissions and the drawing of constituency boundaries, should not be open to amendment less than one year before an election, or should be written in the constitution or at a level higher than ordinary law."

Our organization submitted an initiative before the Constitutional Court, challenging the validity of this change. We are waiting for the results and, from the looks of it, we will keep waiting – as the Constitutional Court is no longer there.

Case 6: “One person employed, that’s four votes”

"One person employed, that’s four votes. If we manage to hire one of our own, that’s one less vote for them and one more for us", said DPS senior official Zoran Jelic. The leakage of this audio recording from the 2013 DPS party organs session, better known as the "Audio recording" affair, exposed the election strategy of DPS – better election result through abuse of resources.

Of course, this is not the sole example of election abuse, quite the opposite, as many more recordings had come to public attention, pointing to vote buying by the DPS in several municipalities¹⁷, but this particular one is so illustrative and straightforward, putting the prevalence of the clientelistic and nepotistic networks into sharp relief to almost everyone.

We expected that government shift would lead to gradual eradication of the deep-seated practice of abuse, "vote trading" and exerting pressure on voters. However, it turned out that our expectations were unrealistic. Just a few months after new government took seat, allegations had emerged of vote buying as organized by parties in the new government ahead of the 2021 Niksic local elections, while a video was leaked pointing to possible vote buying on behalf of the coalition gathered around the URA movement ahead of the repeat voting at a polling station in Ulcinj this year.

The modus operandi employed by political parties in previous years still persists, and we might as well say that the parties now in power have raised it to another level. It is yet to

¹⁷ Ana Milacic, Ljubica Milicevic, "These scandals marked the DPS rule during the past 30 years", *Vijesti online*, 08.02.2019

be seen whether the competent state authorities will behave the way they did during the DPS rule.

Case 7: An underhanded democracy

Suspicious into illicit election funding have been straining the electoral processes in Montenegro for decades. And while the competent Agency for Prevention of Corruption (ASK) keeps performing administrative controls that fail to detect any irregularities, and the prosecutor's offices most often do not find grounds for initiating investigations and prosecuting criminal offenses, it is evident to the lay public that parties underreport funds for running campaigns.

The "Envelope" scandal, leaked in 2019, was the best illustration of such practices, showing the then businessman, now fugitive from justice, Dusko Knezevic, handing over money to DPS high-ranking official Milutin Stijepovic to finance the DPS campaign leading up to the 2016 elections. Although Knezevic had claimed that there were 97,000 euros in the envelope, the ASK found that DPS violated the law and ordered them to return 47,500 euros¹⁸ to the state budget and issued a 20,000 euro misdemeanor fine, with DPS getting a discounted charge as they paid within the prescribed deadline¹⁹. There is still no outcome for this affair, as not even criminal charges have been initiated. The High Court has twice so far issued a decision suspending the criminal proceedings against Stijepovic, but both times, the Special Prosecutor's Office contested the decision before the Court of Appeal, which overturned the decisions and remanded the case back to the trial court.²⁰

One of the assumptions that has not yet been confirmed in court is that campaigns get funding from abroad, which is prohibited by law. Even before the 2016 elections, there were allegations of Democratic Front being financed by Russia. In late 2018, the US Treasury Department announced sanctions against Viktor Boyarkin, an associate of Oleg Deripaska, claiming, among other things, that Deripaska and Boyarkin were involved in providing Russian financial support to a Montenegrin political party ahead of Montenegro's 2016 elections.²¹ Following the 2020 campaign, MANS NGO presented data about parties hiding their sources of funding, with part of the online campaign funds

¹⁸ Decision of the Agency for Prevention of Corruption dated February 12, 2019. Available at: https://www.antikorupcija.me/media/documents/Rje%C5%A1enje_-_Demokratska_partija_socijalista.pdf. Accessed on: 10.10.2022

¹⁹ Milos Rudovic, "ASK confirmed: DPS saved money on fine", *Vijesti online*, 01.03.2019

²⁰ Komnen Radevic, "For Migo, "Envelope" is the vital issue", *Vijesti online*, 24.07.2021

²¹ Ben Riley-Smith, "Russian oligarch Oleg Deripaska accused of interfering in Montenegro's elections", *The Telegraph*, 19.12.2018

originating from foreign countries.²² Recently, a source from the US administration told the media that Oleg Deripaska's associates secured funding to the Democratic Front in 2016 and probably ahead of the 2018 elections through inadequate contracts and offshore companies.²³ The Special State Prosecutor's Office launched an indictment against one of the DF leaders, Nebojsa Medojevic, and several other persons, on account of criminal association and money laundering. The trial is still ongoing.²⁴

In previous years, there were several suspicious cases where parties received donations from individuals on the same day, at the same counters of the same banks, and, quite often, persons receiving social benefits would also donate funds to parties²⁵. According to MANS, residents of one of the lowest-income neighborhoods of Podgorica²⁶ made substantive donations to DPS ahead the 2016 elections, as did employees of the municipal utility company "City Sanitation"²⁷. All these cases point to the "pumping" of illegal money into election campaigns, but the prosecution service, as in previous cases, remained passive.

Case 8: When holiday of democracy becomes a "battle"

The 2021 elections in Niksic were the first local elections to be held after the change of government took place in the 2020 parliamentary elections. What also set this election apart from the rest was the unprecedented attention and interest that the Serbian media displayed towards otherwise ordinary, local elections. As "flattered" as we were by the notion that Serbian tabloids and TV shows introduced special features dedicated to the "Battle in Niksic", we were just as delighted by the extent of fake news and disinformation spread about events in this city during the campaign.

The evident interest of our neighboring country in these local elections is best illustrated through fake news about state president, Milo Djukanovic's plans to cause power shutoff in the entire city²⁸ or about him gathering more than 300 men to wreak havoc²⁹, as well

²² " Political parties were hiding funding sources, 55 transactions declared secret, officials of the new government touring municipalities and making promises", *CDM*, 26.05.2021

²³ "USA: Russia was secretly financing DF in Montenegro and Dodik in B&H", *Voice of America*, 13.09.2022

²⁴ Komnen Radevic, "Trial of Medojevic and others postponed", *Vijesti online*, 28.09.2022

²⁵ Dejan Milovac, Lazar Grdinic, "Social benefits recipients" financed the DPS campaign, *Network for the Affirmation of the Non-Governmental Sector*, 12.04.2018.

²⁶ Dejan Milovac, Lazar Grdinic, "Donations from citizens or slush funds", *Network for the Affirmation of the Non-Governmental Sector*, 06.04.2018

²⁷ Lazar Grdinic, "'City sanitation' employees donated 18,000 euros for the DPS campaign", *the Network for the Affirmation of the Non-Governmental Sector*, 21.07.2020

²⁸ "The switch stays on: Djukanovic did not shut down electricity in Niksic", *Raskrinkavanje.me*, 13.04.2021

²⁹ Darvin Muric, "The non-existent 300 men did not reverse electoral will in Niksic", *Raskrinkavanje.me*, 16.03.2021

as disinformation about former PM Dusko Markovic leaving the DPS...³⁰ There were also fake tweets³¹ and alleged statements³² by election candidates shared on social media.

The regional disinformation conglomerate is perfecting their model and strategies aimed at destabilizing our society. The CDT will therefore dedicate a special publication to address this kind of interest of regional media in elections in Montenegro.

Case 9: Composition of election commission proclaimed state secret

Instead of being a key factor in ensuring the integrity of the electoral process, the electoral administration in Montenegro, at all levels, has often been a glaring example of non-transparent, unprofessional and even illegal conduct in the previous election campaigns. In some election cycles, they would go so far to obscure information about who members of election administration were, even after election process was over.

A particularly illustrative example is the 2016 election, when the work of the State Election Commission (SEC) was marked by arguments, tensions, replacing of authorized representatives, behind-the-scenes political deals, pressure on individual members and suspicions of political corruption³³. And while the names of permanent members of this body were available to the public, the 17 candidates' lists that had the right to appoint authorized representatives would change them from one session to another, as a result of dubious political agreements aimed to attract more votes. The CDT never managed to obtain from SEC a comprehensive list of all authorized representatives who were entrusted with decision-making on election process.³⁴

The transparency gets even worse the lower we go down the election administration hierarchy, and unlike SEC, which is trying to do away with these bad practices, we do not see any improvements in the work of municipal election commissions (MEC). Only a few MECs publish even the statutory minimum of information about their work, and in previous cycles, information regarding their extended composition was rarely made available. No one in the country has full information on who the actual members of polling boards are. Appointments and personnel shifts take place at the last minute and are under complete control of the parties, even when it comes to permanent members, and reliable

³⁰ Darvin Muric, "Disinformation during election day: Dusko Markovic is not leaving the DPS", *Raskrinkavanje.me*, 14.03.2021

³¹ Darvin Muric, "New pre-election scheming: fake tweet of alleged statement by Sanja Damjanovic", *Raskrinkavanje.me*, 13.03.2021

³² Darvin Muric, "Quote falsely attributed to the Democrats vice president", *Raskrinkavanje.me*, 26.02.2021

³³ Milos Rudovic, "SEC announced election results, a scandal broke out at the session", *Vijesti online*, 30.10.2016

³⁴ Dragan Koprivica, Milica Kovacevic, *Depoliticized and efficient election administration – a prerequisite for trust in elections*, Center for Democratic Transition, 2017.

information about members of the extended composition cannot always be obtained even at polling stations.

Such behavior is actually an extremely fertile ground for dodging responsibility. It turns out that decisions that go against the law and public interest were made by some depersonalized entities, where everyone and no one is accountable at the same time. We should be able to know, at any point in time, the identities of persons that shame others and hurl insults, and on whose behalf they do this, who are those that cannot do simple math or do not even show up for work, and who are those that turn a blind eye to irregularities if those are in favor of the party they represent.

Case 10: Voting right quarantined

Ahead of the 2020 parliamentary elections, SEC issued Technical recommendations for holding elections with the aim of epidemiological protection of voters. Instead of finding a way to enable infected persons, persons in quarantine and self-isolation to exercise their right to vote, the commission opted for the "easier" way - stripping these citizens of their right to vote.

The law stipulates that a voter who, due to reasons of age, disability, in-hospital or at-home treatment, is unable to vote at a polling station where they are registered in the excerpt from voters list, but wants to vote, can do so outside a polling station (vote via letter). However, the most senior electoral authority interpreted these provisions in a way that implied discriminating those suffering from Covid, but also unlawfully limiting voting rights by introducing residence requirements into by-laws.³⁵

Acting on the initiative lodged by the Center for Civic Education (CGO), the Constitutional Court first revoked the disputed section of the Technical Recommendations that pertains to voting in quarantine and voting by letter³⁶, and subsequently, upon the initiative submitted by the CDT, also revoked the residence-related sections of Rules on voting by letter.³⁷

This is how our election institutions, which should be the main stronghold for voting rights, solve "practical" problems that arise. In fact, they are symbolically destroying the fundamental democratic principles.

³⁵ Dragan Koprivica, "Revoke the unconstitutional instruction issued by SEC", *CDT portal*, 07.08.2020

³⁶ "Constitutional Court revokes part of the SEC's technical recommendations ", *MINA*, 20.08.2020

³⁷ "Constitutional Court revokes the provisions of Rules on voting by letter", *CDT portal*, 24.08.2020

Case 11: Calling things for what they are

The Constitution of Montenegro stipulates that religious communities be separate from the state, and power stems from the freely expressed will of citizens in democratic elections. However, religious communities, and especially the most powerful among them – the Serbian Orthodox Church (SPC) have had a major and even decisive influence on political trends for decades. Since early 90s, the Montenegrin government lived in a harmonious symbiosis with the SPC, in which the SPC kept the herd at peace, and the ruling DPS, in turn, kept the church out of reach of laws and other rules.

However, there can only be one sheriff in town, so in 2020 the reinvigorated SPC decided to veto the state's intention to regulate the position of religious communities. The SPC organized procession marches and got involved in the elections, and actually swayed their outcome to a large degree. Although church representatives kept dismissing accusations of political involvement, there is no doubt that the Serbian Orthodox Church had a decisive influence on the selection and promotion of prime minister and members of his government. In the previous two years, the SPC was the epicenter of political life, and interests of the church were given priority over interests of the state on more than one occasion.

The constitutional concept of secularism entails separation of religion from public affairs and the state, so that the state would be neutral with regard to religion and thus ensure the equality of all citizens. Participation of "third parties" and their financial and political support to parties and candidate lists are not regulated in Montenegro. In recent years, democratic countries have been investing enormous efforts to protect their electoral processes and representative democracy in which citizens are the bearers of sovereignty and only they can influence the choice of who their representatives would be. In Montenegro, this issue has not even made it to the electoral reform agenda yet. It may not happen at all, if the church declares a veto.

Case 12: “Why didn't you tell us you'd be performing checks”

Interestingly enough, even the technical or routine tasks that are part of all election cycles in Montenegro may start defeating their own purpose and be misused.

Politicians even managed to taint the process of collecting signatures of support from voters, which is required for submitting electoral lists and posting candidacies - it actually became a tool for abusing citizens' personal data and forging their signatures.

In order to effectively prove all this, after examining data which showed that these abuses were in fact taking place, it was necessary to convince the SEC to allow a wider circle of people to be able to perform such checks. An application was introduced that citizens could check into on the offchance they had "supported" an electoral list without knowing it. Some candidates then criticized the SEC for not having announced these controls earlier.

Our suspicions were confirmed during the presidential election campaign, as thousands of citizens reported such abuses to us and over a hundred of them actually came to our offices, including ministers, MPs, NGO activists, prominent citizens, even religious leaders.

And, as it happens in democracies such as ours – nothing came of it. Signature verification by forensic experts, numerous reports by citizens, and enormous public pressure were not enough of an incentive for our prosecution office to pursue the matter and see it through. We still do not have official information as to which politicians and activists were involved in this "democratic" endeavor.

Unfortunately, our election administration did not learn from this "painful" lesson. There are still doubts about electoral lists verified as based on forged signatures of support, and the introduction of reliable ways to verify electoral lists will have to wait for better times and more responsible political elites to come along.

Case 13: All the things we made with your money

Campaigning by public employees is a special form of abuse of public resources that manifests itself in public officials intensifying their campaigning activity as a matter of course, which essentially boils down to political promotion. In the past two decades, we have seen plenty of state and local officials who tour the country far and wide ahead of elections, attend ceremonial opening of factories and construction sites, visit schools and hospitals, sign agreements and announce projects, present awards and scholarships, attend conferences, meet with foreign officials, athletes, workers and citizens. The media cover these events in news sections, instead of featuring them in political advertising segment where they belong.

Despite the civil society persistently urging for this area to be regulated, convenient excuses for not doing so have been cropping up for years, which is why our public officials are not allowed to misuse resources in this way only during their working hours. And they

misuse resources doing working hours as well, as many of our diligent public servants claim that they work 24/7, so even when they go to sleep, it is also for the common good. The competent institutions keep their eyes tightly shut, and even avoid acknowledging that this problem exists in the first place. Although it is clear to everyone that every activity of a politician before elections constitutes campaigning, and that these usually revolve around quasi-events that will not bear any relevance a few months down the line, and which could have been easily held without the presence of public officials.

In the past two years, campaigns led by Montenegro's public officials has turned into a grotesque. Given that all parties are more or less in power now, officials across the board are unscrupulously utilizing this type of promotion, and abuse of resources and public functions has become normal. There are elections every few months, so why bother stopping at all. At the same time, democratic standards are not about to start adapting to our bad practices. Only decent and democratic societies can be EU members.

Case 14 – "Who told you to come to Konik"

Although political parties have plenty of campaigning time, it would be wrong to assume that citizens of Montenegro would be able to express their political will without harassment, having their voting or abstention tracked and recorded and getting different calls and suggestions during election day. Our election days tend to be characterized by tensions, outmaneuvering, counting of who went out to vote, and even conflicts and incidents.

There was the now infamous incident in the Podgorica settlement of Konik, when a group of DPS activists attacked Democrats and URA activists, better known in the public under the catchphrase – "Who told you to come to Konik?".

Election day in Cetinje in 2017 also remains in public memory, as numerous incidents and physical confrontations were reported, and even special police forces wearing balaclavas surrounded the municipal building.³⁸

³⁸ <https://www.slobodnaevropa.org/a/crna-gora-lokalni-izbori/28877475.html>

Also, intrusions into election headquarters are not a rare occurrence during election day, as we witnessed during the Niksic local elections³⁹. And in the more recent period, the demolition of party premises after the end of election day, as was the case with the DPS and Social Democrats headquarters in Pljevlja, is a practice that has become particularly "popular".⁴⁰

The case known as the "coup d'état" holds a special place in the history of Montenegrin elections, when a group of foreign citizens were arrested on the day of 2016 parliamentary elections on suspicion of having planned terrorism and violent government overthrow. Subsequently, leaders of the DF were designated as the main actors, and some of the Russian officials as "patrons" of the entire event. DF, on the other hand, accused the ruling DPS of staging the whole case in order to win the elections. The case was returned for a retrial before Montenegrin courts, but the Montenegrin public remains divided about what actually happened on election day six years ago.

³⁹ "Niksic: They broke into the DPS headquarters and tried to cause an incident (VIDEO)", *Portal Analitika*, 28.08.2020

⁴⁰ Goran Malidzan, " Premises of DPS and SD in Pljevlja demolished", *Vijesti online*, 31.08.2020