

The Network for Affirmation of the Non-Governmental Sector

**REPORT ON THE MISUSE OF STATE
RESOURCES AND PUBLIC AUTHORITIES IN THE
2012 PARLIAMENTARY ELECTION CAMPAIGN**

November 2012

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INTRODUCTION

Following the dissolution of the parliament, early parliamentary elections were called on 31 July 2012 and scheduled for 14 October 2012. The elections were observed by the Office for Democratic Institutions and Human Rights (ODIHR) as well as the Parliamentary Assembly of the Organisation for European Security and Cooperation (OSCE PA) and the Parliamentary Assembly of the Council of Europe (PACE). In their conclusions, the mission noted several key contested issues in need of improvement: compilation of voter lists, campaign financing and consideration of complaints. This Report refers to the three areas noted.

The Report aims at indicating the inconsistencies and discrepancies in the electoral register used for the parliamentary elections; noting the lack of clarity as regards sanctions for non-compliance with the Law on Political Party Financing (LPPF); and presenting specific issues related to misusing state resources for political campaigning.

The data presented herein were collected through close to 2,000 requests for information filed under the Free Access to Information Law (FAI Law), through monitoring of four dailies and five television stations with national coverage, based on reports by citizens, but also using the data provided by members of staff of various state services.

The report is divided into 10 sections. Section One deals with the legal framework governing the competences of state authorities for compiling voter lists, legal norms banning the use of state resources to campaign purposes, and the enforcement responsibilities. As is the case with the entire report, this section does not pertain to all party financing issues, since their final financial statements are still not available and could not have been examined.

Section Two provides specific examples and reviews of voter list deficiencies that MANS indicated before the elections, and which were addressed to some extent by state authorities.

Section Three features the data on budget spending during the election campaign. It presents the data by institutions, and features several case studies tackling the unusually high spending for social needs during the campaign. Section Four features the issue of recruitment during the election campaign, while Section Five takes stock of the unprecedented private company donations to the state, showing how the intent of the LPPF was thwarted.

Section Six provides a number of specific examples related to inauguration of infrastructure projects during the election campaign in contravention to a number of security and construction standards codes, but also the specific examples of purchased votes. The problem of state officials working on campaigns during their business hours is in the focus of Section Seven, while Section Eight investigates into the pressures put on staff in public institutions and state-owned companies, but also in private companies. Section Nine covers the issue of public companies advertising during the election campaign, and the last section tackles the issue of access to data needed to monitor the compliance with the budget spending rules and possible violations of the FAI Law.

This report has not been financially supported by any donor, but is a result of volunteer efforts of MANS staff. We would like to express our gratitude to all citizens who placed trust with us and reported numerous instances of non-compliance, especially the civil servants who provided the information on irregularities within their respective institutions.

EXECUTIVE SUMMARY

Unclear wording of the Law on Political Party Financing (LPPF) enables most instances of state resources abuse during the election campaign to go unsanctioned. The State Election Commission (SEC) and the State Audit Institution (SAI) claim not to have it as their responsibility, the prosecution assumed responsibility only for excessive budget spending, but without any tangible results as yet.

The LPPF treats many instances of misuse of state resources as misdemeanour only, carrying monetary fines, while the same are qualified by the Criminal Code (CC) as offences punishable solely by imprisonment. In the absence of clear criteria, depending on the arbitrary decision of institutions, different people may be either punished by a fine or be held criminally liable and stand to several year prison terms of for the same offence.

By analysing the central voter list, MANS identified problems with over 25,000 voters, or almost 5% of the total. The data show that same persons are registered several times, that persons holding no residence permits in Montenegro are enfranchised, the same as some deceased. Only a smaller portion of the irregularities noted was rectified on the eve of the elections, with competent authorities suing MANS, instead of the individuals who compiled erroneous voter lists.

Several state institutions had much bigger spending than the usual during the election campaign, also forbidden by law to do so, and many concealed the actual information regarding spending. Specific examples reveal that substantial sums were appropriated during the election campaign for the most deprived categories who were unable to exercise their rights for years before that, and some citizens were publicly stating that only the political affiliates were entitled to some benefits.

The private companies known to win major state run tenders for years, provided donations to the state during the election campaign, thus practically aiding the governing coalition, circumventing the restrictions imposed by the LPPF.

Government officials grossly misused state resources in continuity promoting their respective parties on the occasion of official visits to local self-governments. They violated a number of regulations inaugurating unfinished infrastructure projects, the use of which might jeopardise public security and lead to loss of life, and specific examples show this was used to sway voters.

For the duration of the election campaign, many an institution opened new jobs, and even the top of the government manipulated recruitments. There are examples of staff in public institutions and public companies, but also some private companies, being under pressure to vote for the coalition.

The problem of paid advertising during the election campaign did not have great prominence, except in the case of the internet portal "Analitika". Most of the institutions concealed the data on budget spending during the election campaign in direct contravention to the FAI Law, preventing us in many cases from establishing whether the taxpayers' money was used to political marketing purposes.

1. LEGAL FRAMEWORK

Suffrage is granted under the Constitution and further elaborated in the Law on Election of Local Councillors and MPs. Thus, in order for anyone to hold the right to vote in Montenegro, they need to be Montenegrin nationals, and have residence in Montenegro for at least two years before the election day.

A number of other pieces of legislation governing voter lists, residence and death registers, briefly presented in the first part of this section, have a direct bearing on election rights of Montenegrin citizens.

The second part of this section gives an overview of the legal framework governing bans on misusing state resources to influence the election outcomes. However, many an offence defined as misdemeanours by the LPPF and punishable by a fine, may also be qualified as criminal offences under the Criminal Code (CC), that carry exclusively a prison term. In the absence of clear criteria, depending on the arbitrary decision of institutions, the same actions may be punished by a monetary fine, or carry criminal liability punishable by several years in prison.

The last part of the section deals with vague wording of the LPPF enabling most instances of state resources misuse during the campaign to go unsanctioned, despite clear statutory bans. Thus, the State Election Commission (SEC) and the State Audit Institution (SAI) claim not to be responsible for instigating proceedings for any such instances, while the prosecution office so far has only assumed responsibility for excessive budget spending .

1.1. Who enjoys the suffrage?

According to the Law on Election of Councillors and MPs, all persons aged 18 and above, having business capacity and holding residence in Montenegro for not less than two years before the election day have the right to vote in elections in Montenegro¹.

The Law on Voter Lists (LVL) defines such lists as public documents², and the holders of executive functions in local self-governments and the head of the relevant state administration body³, i.e. mayors⁴ and the minister for information society and telecommunications are responsible for keeping the lists accurate and up-to-date. The LVL envisages misdemeanour sanctions for responsible persons who fail to provide accurate and updated voter lists, i.e. secretaries of local administration secretariats, and mayors who fail to verify that voter lists are accurate and up-to-date⁵. However, no misdemeanour proceeding has ever been instigated on this ground notwithstanding constant suspicions raised as regards the accuracy of voter lists.

¹ Article 11 of the Law on Election of Councillors and MPs

² Article 1, paragraph 1, LVL

³ Article 3, paragraph 3 and Article 4, paragraph 3, LVL

⁴ Under the Local Self-Government Law (Article 41, paragraph 3) a mayor is the municipal executive body, and the same holds true for the mayor of the Capital City, under the Capital City Law (Article 15, paragraph 1).

⁵ Article 22, paragraph 1, items 1 and 2 of the Law on Voter Lists this violation is punishable by a fine.

Residence

The Law on Temporary and Permanent Residence stipulates that Montenegrin nationals are obliged to report any temporary or permanent residence and address change within eight days of its occurrence, and to deregister when moving out of Montenegro⁶. A fine is envisaged by this Law for non-compliance⁷.

Under the same Law, state administration bodies are obliged to notify the Ministry of Interior and the Public Administration (Mol) of any change of data in the registers when becoming aware of that in the exercise of their duties⁸.

Moreover, when a person does not reside in the registered place or at the registered address, or when leaving Montenegro without deregistering, the Mol is obliged to act ex officio or upon the request of other state authorities and launch a procedure to establish the actual residence⁹. The Mol is obliged under the law to verify the residence data within 30 days in case of any doubts as to their accuracy¹⁰.

Once the data are found to be untrue, the Mol is to launch a procedure for establishing actual residence, establish the residence and the new address of the person, and in case the person has moved out of Montenegro, pass the decision to deregister¹¹ and delete their residence data¹². Such data are then to be made available by the Mol to other state authorities for amending accordingly the records from within their respective scope of competences¹³.

Hence, proper and consistent application of the Law on Permanent and Temporary Residence would ensure that people who moved out of Montenegro or who do not hold residence in Montenegro for two and more years before the election day to be stricken out of the residence register and the voter list, since they are not enfranchised any more. However, a separate section of this report shows this not to be the case¹⁴.

In addition, the LVL stipulates¹⁵ that a voter filing an application for a change in the voter list must produce to the relevant authority the evidence of being removed from the voter list of the municipality from which s/he deregistered. Thus, the proper implementation of the law would make it impossible for the same person to be registered in two voter lists on the account of change of residence, although specific examples noted in a separate section indicate this to happen¹⁶.

⁶ Article 12, paragraph 1, the Law on Temporary and Permanent Residence

⁷ Article 34, tačka 1, the Law on Temporary and Permanent Residence

⁸ Article 6, paragraph 3, the Law on Temporary and Permanent Residence

⁹ Article 15, the Law on Temporary and Permanent Residence

¹⁰ Article 14, paragraph 2, the Law on Temporary and Permanent Residence

¹¹ Article 16, the Law on Temporary and Permanent Residence

¹² Article 36, paragraph 1, the Law on Temporary and Permanent Residence

¹³ Article 28, the Law on Temporary and Permanent Residence

¹⁴ Section 2: Voter List Not Up To Date

¹⁵ Article 7, paragraph 2, the LVL

¹⁶ More details in Section 2: Voter List Not Up To Date

The deceased

According to the Law on Civil Registers, the Mol is also to keep the civil register of deaths¹⁷. Under this Law, the health care institutions, military establishments, nursing homes, tourism establishment, custodial institutions or other shared accommodation facilities are obliged within three days to report data of the persons deceased within their facilities accompanied by the doctor's report of death, or if death occurred outside their premises, the doctor diagnosing death is obliged to report it¹⁸. In case of non-compliance, the Law envisages monetary fines for natural persons, legal persons and responsible persons within a legal entity¹⁹. According to the same Law, the Mol and other state authorities are to crosscheck the data from the death registers with other registers, including the voter list²⁰.

In addition, the Health Protection Law stipulates determining the cause of death as one of priority health protection measures²¹, that a medical doctor is to establish the time and cause of death for each deceased person²² and that the deceased are not to be buried before the death is diagnosed²³. The Law on Health-Related Data Sets stipulates that the date sets on hospitalised persons are to include the time of death²⁴, and basic medical documents are to contain the time of death²⁵. According to the Rulebook on Terms for Determining the Time and Cause of Death and on Autopsy, the time of death is established by the medical doctor at the place of occurrence or within a health care establishment and the relevant certificate²⁶ is issued.

Hence, the compliance with the Civil Registers Law and a number of other pieces of legislation ensures timely removal of the names of the deceased from the voter list. Nevertheless, the specific cases described in Section Two show that some deceased voters are still featuring in the voter lists.

Competence over the law implementation

Supervision over the law implementation regarding registration and deregistration is done by the police, and the keeping of the residence registers is supervised by the Mol²⁷. Proper and consistent application of the provisions of the Law on Temporary and Permanent Residence by the police and the Mol would prevent any person not having residence in Montenegro to cast ballots in contravention to the law, and would thus fully exclude the possibility of any person being registered at two polling stations on the account of change of address.

Supervision over the implementation of the Civil Registers Law is done by the Mol. It means that the Mol should check whether reporting of deaths is duly done by individuals, bodies and institutions obliged to do so, and in case of violations, instigate misdemeanour proceedings, as set by the Law. In addition, the Mol is obliged to crosscheck the data from the death register with the voter lists. With

¹⁷ Article 9, paragraph 1, the Civil Registry Law

¹⁸ Articles 25 and 26, the Civil Registry Law

¹⁹ Article 43, item 5 and Article 44, the Civil Registry Law

²⁰ Article 37, the Civil Registry Law

²¹ Article 10, item 15, the Health Protection Law

²² Article 126, the Health Protection Law

²³ Article 130, the Health Protection Law

²⁴ Article 23, the Law on Health-Related Data Sets

²⁵ Article 39, paragraph 2, line 1, the Law on Health-Related Data Sets

²⁶ Article 5, the Rulebook on Terms for Determining the Time and Cause of Death and on Autopsy

²⁷ Article 32, the Law on Temporary and Permanent Residence

proper implementation and supervision of this law, the possibility of any deceased person being still in the voter list would be negligible.

Likewise, the Ministry of Health (MoH) is to supervise the implementation of the Health Care Law²⁸, the Law on Health-Related Data Sets²⁹ and the Rulebook on Terms for Determining the Time and Cause of Death and on Autopsy. Hence, the MoH is to ensure that medical doctors diagnose death and issue certificates, and that basic medical documents of each deceased contain the time of death.

Incidentally, the Mol also supervises the implementation of the legislation governing voter lists³⁰. The Rulebook on Voter Lists, adopted by the Mol, governing the contents and usage of the shared voter list software, keeping of registers, corrections, closure, transcripts, public viewings and other matters relevant for true and accurate keeping of voter lists should be mentioned in this context.³¹

The Rulebook is accompanied by the Programme Instruction by which the Ministry of Information Society and Telecommunications (MIST) is to provide technical assumptions and software solutions for keeping voter lists in local governments and their compilation at the central level. This Instruction envisages matching with other official registers, i.e. crosschecking and updating³², and matching with the Central Population Register³³.

The Mol supervises the implementation of both the Rulebook and the Programme Instruction and is thus accountable for any incomplete and untimely crosschecking with other registers and verification of the data in voter lists.

Offences against electoral rights

The Criminal Code, Title 16, lays down the offences against electoral rights³⁴. Two of these imply tempering with the voter list. One is the violation of the right to vote³⁵ performed by unlawful omission to enter in or deletion from electoral register, or unlawful entry into the electoral list. The other refers to compilation of inaccurate electoral lists with the intention of influencing the election outcome³⁶. This offence differs from other offences against electoral rights by the requirement to prove intention to influence the outcome of elections by inaccurate electoral registers.

However, given that only officials can be perpetrators of such offences, and that such actions have the consequence of procuring gains for others or gross violation of the rights of others, such offences could also be qualified as misuse of office³⁷.

²⁸ Article 133, the Health Protection Law

²⁹ Article 51, the Law on Health-Related Data Sets

³⁰ Article 19, paragraph 1, the Law on Voter Lists

³¹ Article 1, the Rulebook on Voter Lists

³² Item 3.4. Programme Instruction

³³ Item 3.5. Programme Instruction

³⁴ Violation of the right to stand for elections (Article 184, CC); violation of the right to vote (Article 185, CC); violation of the freedom to vote (Article 186 of CC); abuse of the right to vote (Article 187, CC); compilation of inaccurate electoral registers (Article 188 of CC); obstruction of elections (Article 189 of CC); prevention of election monitoring (Article 190, CC); violation of secrecy of ballot (Article 191, CC); election fraud (Article 192, CC) and destroying election documents (Article 193, CC)

³⁵ Article 185, CC

³⁶ Article 188, CC

³⁷ Article 416, CC

Namely, an official entrusted with keeping voter registers or residence records may, with the intention of affecting the outcome of elections, omit to register certain persons as voters or enter them into residence records, disregarding the compliance with legal requirements. Such actions are unlawful and constitute gross violation of the rights of such persons, thus qualifying fully as the misuse of office³⁸. Likewise, the same official may, without any intention to influence the outcome of elections, fail to supervise or through negligence fail to enter voters in voter list or residence records, which constitutes malpractice in office.

The problem here is the absence of clear criteria for qualifying such actions when identified, i.e. whether the public official should be charged with one or the other offence. Namely, according to the CC, the criminal offence of compilation of incorrect voter lists is punishable by a fine or a prison term up to three years, and the basic form of the misuse of office is punishable solely by imprisonment term between 6 months and 5 years.

1.2. Ban on misuse of state resources to campaign purposes

The new Law on Political Party Financing (LPPF) was adopted on 29 July 2011³⁹ and started to be applied as of January 2012. At the initiative of MANS⁴⁰, the LPPF has for the first time introduced many bans referring to misuse of public funds to campaign purposes.

The LPPF prohibits candidate lists to receive monetary and in-kind donations from other states, companies and legal entities from outside the Montenegrin territory, natural persons and business people not enfranchised in Montenegro, anonymous donors, public institutions, legal entities and companies where the state has a stake, trade unions, religious communities and organisations, nongovernmental organisations; casinos, bookmakers and other games of chance establishments⁴¹.

Candidate lists are forbidden to receive donations from legal entities and entrepreneurs and legal and natural persons related to them that, based on a contract with relevant authorities, performed tasks of public interest or concluded a contract in the public procurement procedure for two years after the conclusion of such contracts⁴².

The LPPF bans state and local budget spending units, with the exception of the SEC and local election commissions, between the time of calling the elections and the closure of the process, to have monthly disbursements that would exceed the averages from previous six months⁴³. Interestingly, unlike all other bans envisaged by the LPPF, this is the only one not accompanied with a sanction.

During the election campaign it is forbidden to advertise vacancies and recruit people to state authorities, local authorities, public companies, public institutions and state funds for a limited period of time and as per service agreements⁴⁴.

³⁸ This offence is committed by a public official who misuses his office or authority, oversteps the limits of his official authority or refrains from performing his official duty and thereby obtains for himself or another person undue advantage or causes damage to another person or severely violates the rights of another person.

³⁹ The Law was amended on 23 December 2011.

⁴⁰ MANS took part in an interagency working group for drafting the new LPPF.

⁴¹ Article 16 LPPF

⁴² Article 16 LPPF

⁴³ Article 19 LPPF

⁴⁴ Article 21 LPPF

During the election campaign it is also forbidden to have paid advertisements of state authorities, local authorities, public companies, public institutions and state within the period between calling the elections and the closure of the polling stations, and it is also forbidden to distribute advertising materials of political parties within the same institutions during the election process⁴⁵.

It is also forbidden to engage state officials and public employees during business hours on the election campaign activities, but it is also forbidden for public employees to gather signatures for political parties within business premises⁴⁶. Over the same period all public officials are forbidden to use business cars after business hours, with the exception of the persons who have the protected status⁴⁷.

In addition, the amendments to the Law on Election of Councillors and MPs, the public officials nominated or appointed by the Government and elected or appointed by local governments, as well as civil servants and state employees are forbidden to take part in the election campaign and express their opinions regarding elections during business hours⁴⁸. Police officers and members of the National Security Agency are also banned from participating in the election campaign in whatsoever manner⁴⁹. However, the amended text is not accompanied by punitive provisions, and thus there are no sanctions for non-compliance.

The LPPF bans any sort of pressure on legal and natural persons when fundraising for a political party and a candidate list⁵⁰. Moreover, the CC criminalises passive election bribery, i.e. demanding or receiving gifts or other gains in order to vote or not to vote⁵¹. Active election bribery is not expressly addressed, although it may be understood as unlawful influence over another person to vote or not to vote, or to cast specific vote⁵², which in practice may lead to the absurd interpretation of having criminal liability of someone selling his vote, without any sanctions for the one who purchases votes.

Furthermore, according to the CC, the criminal offence of misuse of office is committed, for instance, by an official who, in contravention to the law, recruits other persons during the election campaign for a limited period of time and thus undisputedly has gains. However, while the LPPF qualifies this as a misdemeanour⁵³ punishable by a fine, the CC envisages only imprisonment sentence for misuse of office. Likewise, the use of business car after business hours is qualified by the LPPF as misdemeanour punishable by a fine, while the CC envisages prison term for temporary diversion of property⁵⁴. This makes it possible one to be fined, and another to be held criminally liable and receive several-year prison term for the same transgression. Similarly with excessive budget spending, that can be treated as a criminal offence of misuse of office procuring gains for persons who receive such funds, but also the political party, as well as with the involvement of public officials in election campaigning during business hours, since it is obvious that such actions are undertaken with a view of procuring gains for the political party⁵⁵.

⁴⁵ Article 18 LPPF

⁴⁶ Article 21 LPPF

⁴⁷ Article 20 LPPF

⁴⁸ Article 50a, paragraph 1, the Law on Election of Councillors and MPs

⁴⁹ Article 50a, paragraph 2, the Law on Election of Councillors and MPs

⁵⁰ Article 17 LPPF

⁵¹ Article 186, paragraph 2, CC

⁵² Article 186, paragraph 1, CC

⁵³ Article 37, item 9.

⁵⁴ Article 421, CC

⁵⁵ For all these offences it should be borne in mind that the notion of gain should be interpreted in a wider sense, which does not necessarily imply only material gain, such as money and material assets, but such gain

1.3. Competences for sanctioning misuse of state resources

The State Election Commission (SEC) and the State Audit Institution (SAI)⁵⁶ hold competence over the LPPF implementation. However, the provisions banning the misuse of state resources do not expressly envisage the authorities of either institution.

In reality, both institutions claim not to hold competence over the provisions governing recruitment, advertising, excessive budget spending and involving public officials in campaigning during business hours. Neither institution made reference to any other institution actually holding competence.

Naime, saglasno naznačenj odredbi Zakona o prekršajima, Državna izborna komisija ne može se pojaviti u svijetlu nadležnog organa, jer u njenoj nadležnosti ne spada neposredno izvršenje, odnosno nadzor nad izvršenjem Zakona o finansiranju političkih partija u djelu odredaba na koje ukazujete u podnjetim prijavama (zabrana reklamiranja i distribucije materijala – član 18; ograničenje upotrebe državnih sredstava – član 19 i zabrana zapošljavanja i angažovanja zaposlenih lica – član 21).

SEKRETAR
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The response by SEC of 04 October 2012

To avoid that the noncompliance would be time-barred on the account of “no one’s responsibility”, MANS filed reports with the prosecution on two counts. Firstly, under the State Prosecution Law, it is responsible for prosecuting of all punishable offences, including misdemeanour⁵⁷, and is authorised, together with responsible authorities, to establish and take necessary measures to detect punishable offences and perpetrators⁵⁸. Secondly, as previously explained, such offences can also be qualified as criminal offences, thus indisputably within its scope of competences.

Prosecution renounced authority to take actions with regard to involvement of public officials in election campaigning during business hours and instructed us to approach SEC for such instances, which had already relinquished competence over the same issue. Interestingly, on the occasion the prosecution made a reference to the old LPPF version. This prompted us to approach prosecution again, informing them of the then valid amended LPPF and asked for their renewed statement, but did not receive any response until the conclusion of this report.

Until the conclusion of this report the prosecution also failed to state whether they hold competence for prosecuting unlawful recruitment and advertising.

When it comes to excessive budget spending, carrying misdemeanour liability under the LPPF, the Supreme State Prosecution informed us that one of our many reports on such counts were forwarded to the competent prosecutor. Still, there is no information of specific outcomes.

also means any assistance in the campaign or securing votes for a given political party. When such gain is procure through misuse and non-compliance with bans, then it constitutes a criminal offence.

⁵⁶ Article 29, LPPF

⁵⁷ Article 17, the State Prosecution Law and Article 111, paragraph 2, the Misdemeanour Law

⁵⁸ Article 19, the State Prosecution Law

2. VOTER LIST NOT UPDATED

The voter list not being fully updated is a kind of irregularity which may have a substantial impact on the final outcome of the elections, and at the same time it is one of the problems continuously referred to before elections. By reviewing the central voter list, MANS established that over 25,000 entries, or close to 5% of the total, were doubtful.

Before the elections, MANS reviewed the version of the voter list provided to submitters of candidate lists in mid September, and then the final version. Both reviews revealed that the central voter list showed great irregularities: same persons registered several times, also the persons not residing in Montenegro, or the deceased registered as voters.

All information on irregularities noted was made public and competent authorities were called to correct the wrong entries before the elections. Instead, state authorities dealt with MANS's source of data and corrected only a small share of irregularities on the eve of the elections, which prompted us to file charges against responsible persons on suspicions of the criminal offence compilation of incorrect voter lists and misuse of office.

2.1. Double entries

Each citizen of Montenegro, as is the case with other former Yugoslav republics, has a unique civil registry number (JMBG) and, as its name implies, no two persons can have the same JMBG.

Nevertheless, the review of the first official version of the voter list provided to political parties after submitting candidate lists revealed that **290 citizens with identical JMBG were registered to different polling stations thus enabling them to vote twice.**

In addition, there is reasonable suspicion that such persons could have voted twice during the previous elections, since many of them were entered in the voter list assigned to different polling stations even several years back, as established by comparing the current voter list with the one used for the previous 2009 parliamentary elections. MANS substantiated this by citing examples.

The MIST announced publicly that the voter list reviewed by MANS was incorrect and that the "right version" did not have any double entries. At the same time, a representative of one candidate list confirmed that the voter list made available to that party by the MIST contained the same data as ones indicated by MANS.

The MIST explained that the list did feature much fewer such instances caused by the change of residence of the said persons. Nevertheless, the Law on Voter Lists (LVL)⁵⁹ stipulates that a person applying for a change in the voter list must provide to the authority keeping the list a proof of being deleted from the voter list in the municipality from which s/he deregistered. Hence, proper implementation of the law would prevent any one person having a double entry in the voter list given the change of residence.

The review of the final voter list showed that the said 290 double entries were deleted, but there is no information whether anyone was held accountable, although the LVL envisages fines for persons who failed to provide that lists were kept accurate and up-to-date⁶⁰.

⁵⁹ Article 7, paragraph 2, LVL

⁶⁰ Article 22, paragraph 1 item 1, LVL

2.2. Voters impossible to be tracked down

At least 1,282 voters whose JMBG or ID numbers were not entered were noted in the first version of the voter list. Article 8 of the LVL stipulates as mandatory the entry of JMBG into the list, or exceptionally the ID card number.

Otherwise, it would be impossible to verify the voter's identity when casting ballot and would open room for other individuals to vote in their stead.

Most of such cases referred to voters in the north of Montenegro, aged between 70 and 90 on average. According to the voter list, the greatest share of such voters were registered in the municipalities of Nikšić and Berane.

Although government officials claimed there were no such omissions, especially not in such high numbers, **the final version of the central voter register featured ID card numbers for such voters.** Again there are no data as to possible sanctions pronounced to responsible persons for such omissions.

The repeated review, however, showed **strong suspicions that some of these persons were entered into the list twice.**

For instance, according to the final voter list, in Nikšić there are two persons named **Cvijeta Backović**, both born on 15 January 1932, both residing at Duga bb and voting at the same polling station. One is entered into the list with a JMBG, and the other with the ID card number, under different voter numbers. Both were born in Nikšić, but one was entered into the voter list a long time ago, and the other eighty year old lady was not in the list used for previous elections, or the previous list reviewed by MANS, but was only now entered into the final list.

There is a similar case of two persons called **Milica Đukić** from Berane, both born on 21 March 1934 and having the address Babino BB. Again, one is registered with the JMBG, and was only now registered in the central voter list, although she was born in Berane, and the other is entered with ID card number data, and she was included in the previous voter lists.

The ID card number was entered in the final version of the voter list for a **Mileva Babić**, born in 1949 in Šekular, Berane, not entered in the previous list. At the same time, another Mileva Babić was entered with the JMBG, and was born in the same year at the same place.

Similar situation exists with two persons named **Stana Kasumović**, born in the same year, with unknown exact date. One is entered with the ID card number, and the other, entered at a much later stage, residing at the same address (G.Vukovića in Nikšić) features the JMBG number.

MANS disclosed the above and many more examples and invited the state authorities to establish facts, correct the data and sanction the responsible persons, but the voter list with such deficiencies was nevertheless used during the elections.

2.3. Doublegangers or dual entries?

The review of the voter list revealed over 14,000 voters in Montenegro having one or more doubles with the same name and surname and having other same or similar data in common⁶¹. Such persons have different JMBG, which means that these are either different persons with some unbelievable coincidences or the same persons were issued several ID cards and JMBG numbers.

Below there are only some, characteristic examples, while MANS published also others in the media in order to illustrate the existence of reasonable suspicion of double entries in the voter list.

MANS experienced quite a few difficulties in rural areas, without precise addresses, to establish whether these look-alikes really exist or these are the same persons with several ID cards, but the voter list features also a large number of registered voters with the precise address, and thus it is highly unlikely to have two persons of the same name and born on the same day living in the same apartment and voting at the same polling station.

For instance, two persons named **Melvin Hodžić** live at the same address in the Municipality of Berane, both born on 14 February 1994, registered at the same polling station, Trpezi. They have different JMBG, and were entered into the voter list one after the other, as proven by the consequent voter codes 43186 and 43187.

Two persons named **Petar Šanović** born on the same day, both reside at Ul. Vasa Raičkovića 18 in Podgorica.

Two persons named **Sanja Šišović** born on the same day live at Ul. Ivana Milutinovića 9 in Podgorica.

There are also interesting examples of voters with the same name, date of birth and address, but who vote at different polling stations. The existence of such cases also raises suspicions as to the regularity of the voter list, since these might reasonably be thought to be one and the same person registered at two different polling stations, thus having the opportunity of voting twice with a fake ID card.

For instance, there are two persons named **Sandra Rakočević**, born on 23 June 1994, both living at the same address Ul. Steva Boljevića 20A/2, Podgorica, one voting at the Primary School "Oktoih", and the other at Zabjelo.

Two persons named **Slavica Rabrenović** live at Dalmatinska ulica 180 in Podgorica, one born on 23 March, the other on 23 April of the same year, 1957, one voting at the Preschool "Ljubica Popović", and the other at the Youth Home Tološi.

The voter list features two persons named **Marko Gojačanin** from Bijelo Polje, both living at Lješnica and born on 2 June 1989 who vote at two different polling stations.

The voter list also features a large number of persons with the same name and address, and different, but very similar date of birth.

⁶¹ There are much more voters sharing the same name and surname, but their addresses, dates of births and other data differ.

For instance, two persons named **Nedeljka Radulović** live at Ul. Mitra Bakića 138 in Podgorica, one being one day older, i.e. one born on 08, and the other on 09 April 1939.

In Nikšić there is a similar case with two persons called **Zoran Jakić** living at Ul. Trebješka 3, both born in 1971, one on 10.1, the other on 10.10.1971.

The voter list features also two persons called **Milijana Joković**, both born in Klopot in 1939, one on 12 January, the other on 12 February, both having the same address (Petra Lubarde 114, Podgorica).

After publishing the review findings, MANS invited the MIST and all political parties to verify by examining the voter list whether these examples referred to the same persons or was indicative of voter list frauds in order to manipulate the election outcome. Several days after such an invitation, the Government stated that the whole voter list was checked and nothing questionable was identified.

The review of the final voter list showed that there still were over 14,000 voters with so similar look-alikes that it raises reasonable suspicion of referring to the same persons with fake ID cards and voting at several polling stations, thus affecting the final outcome.

2.4. Deceased voters?!

MANS cross-referenced the population census data provided by the National Statistics Office (Monstat) with the voter list and established that there were 6,000 more voters aged 60 and above than as shown by the census data⁶², or corrected for the mortality rate, the difference would be over 10,000 in excess featured in the voter list.

For instance, according to the census data, in Montenegro there are 44 persons aged over 100, and the voter list has two times this figure, or 91, to be precise.

Similarly with people aged 99 in the census year, according to the census data 24 of them, and the voter list has 48.

The most drastic difference is noted among those born in 1946, with 1,686 persons more than according to the census data having the voting right.

Most of such people live in border regions, and many citizens who reported irregularities in the election process claimed that it was in such areas that individuals from foreign countries would be organised to come to Montenegro and vote instead of the old and the deceased and would receive remuneration for that.

For instance, according to the census data, Ulcinj had 3,930 persons above 60 years of age, while the voter register has 4,788 such people or 858 more. Given the total population of the elderly, the greatest difference percentage-wise is noted in Ulcinj with 22% more in the voter list than according to the census data, then in Plav, 21 % more, and in Rožaje 12 % more.

⁶² When processing the data, MANS was aware that the census was done last year, and thus compared the data as per the year of birth, not the actual age.

Moreover, Monstat data show that between 2007 and 2010 over 4,500 persons died each year in the 60+ age group. The data for the whole 2011 are not available, but based on the monthly data provided by Monstat, it is evident that there is no major change in the mortality rate. This, again, means that compared with the time of the census, a bit more over a year ago, at least 4,500 persons who died over the last year must have been deleted from the voter list, i.e. **that the voter list has over 10,000 names in excess.**

Monstat officials claimed that the voter list data and the 2011 census data were incomparable and that the methodology used by MANS was no good.

Nevertheless, regardless of the different purpose and goal of the census as compared with the voter list, the methodology cannot affect the number of person actually living in Montenegro and being enfranchised; i.e. the difference in data was caused partly by the fact that many persons residing abroad for many years now have still not been deregistered as voters, although they do not have residence in Montenegro, while in some cases the names of the deceased were not removed from the voter list.

The insistence of competent authorities that there are no omissions, although these are quite obvious, opens room for suspicions that some other individuals vote in their stead, especially given that during the election campaign the Parliament adopted the law enabling voter identification using old ID cards, issued at the time of the SFRY, with old photographs which cannot be used for proper identification.

Furthermore, compared to the first version subjected to review, some 500 persons over 60 years of age were removed from the voter list, as indirect confirmation by authorities that there were omissions, although to a much lesser extent than as discovered by MANS. As noted before, it is not known whether anyone was held accountable and sanctioned for unintentional or intentional errors.

The MANS review showed that the **voter list features a large number of persons aged 80+ only recently entered into the register, who thus were not able to vote during previous elections although born in Montenegro**, which means that these could not be the persons who have only recently been granted the nationality and become enfranchised. This phenomenon is observable in all municipalities.

The oldest citizens only now registered as voters, although not included in the central voter register used for previous elections, are the 92-year old **Mitar Janković** from Kolašin and **Hatidža Ličina** from Rožaje, and the 90-year old **Gospava Krtolica** from Nikšić, all born in Montenegro.

During these parliamentary elections **Gospava Kovač** aged 87, and **Danica Stijepčević**, one year her junior, **Đorđe Kusovac** (82), **Ivo Pavičević** (80) and many others who did not have the right to vote on previous elections since they were not registered will have the right to vote in Budva.

By comparing current voter registers with ones used in 2009, MANS noted that **Redžep Ljaić**, aged 84 and **Šajka Ljaić**, 82, **Bada Ibrović**, 79, **Zeća Dautović**, a year her junior, and many others were only recently entered into the voter register in Rožaje.

The review of the final voter list revealed that it features the names of some deceased persons. Since we were not allowed access to the death register, based on reports by citizens and random sampling MANS discovered many deceased persons still registered as voters. Based on the data from

obituaries published during this year⁶³, MANS identified numerous examples showing deceased voters, although the responsible authorities claimed to have removed the names of all people who passed away before this September.

For instance, **Miloš Čipranić**, died in July this year at the age of 103 and was buried in the local graveyard in Liverovići, but is still registered as a voter at the Community Centre Liverovići polling station.

Jela Kankaraš, born in 1917, died in mid July in Straševina, but is still a registered voter with her address at Straševina, Nikšić.

Budimir Čogurić died in late May at 92 years of age, was buried in Grnčarevo, and is still a registered voter, with the address Grnčarevo, Bijelo Polje.

Milijana Kastratović from Berane died in February at the age of 85 and was buried at the village graveyard in Budimlja, but is still registered as a voter at the same address.

The voter list features also **Ljubica Mijović**, who died in May at the age of 83, buried in village Liješta stated as her address as the voter. A year younger **Vidra Mijović**, was buried in the same village, and is still included in the voter list with the same address.

Nevertheless, exact records may be established only by comparing the voter list with the death register which the responsible authorities kept avoiding to do while not allowing political parties to do so, in contravention to the LVL provisions.

Namely, the LVL envisages that responsible authorities are obliged upon the request of a parliamentary party or a submitter of a confirmed candidate list to make available the data which may have an effect on the accuracy and correctness of the voter register, within 48 hours since receiving the request⁶⁴. The LVL stipulates that such data should include registers of nationals, ID cards, residence registration and deregistration, JMBG, business capacity, birth, marriage and death certificates and others⁶⁵. The LVL, however, does not envisage any sanctions for noncompliance with this provision, and thus the political parties that requested the examination of death registry remained unanswered and no one was sanctioned on that count.

Based on several thousands of specific examples we have reasonable suspicions that the deceased persons were still retained in the voter list with a view of someone casting ballot in their stead and thus affecting the elections outcome. In particular so given that most of these persons have old ID cards which are easy to forge and which have very old photographs, which makes identity switch easy and other individuals casting ballots instead of the deceased. This is further supported by the fact that the opposition parties were not allowed to examine the data, as entitled by the law, while MANS based on reports by citizens and obituaries from dailies indubitably established that the voter list did include the deceased persons.

⁶³ The obituaries published in the dailies Dan and Pobjeda.

⁶⁴ Article 18, LVL

⁶⁵ Article 17, LVL

2.5. Voter list differs from the website where citizens may check their data

To enable citizens to check whether they are included in the voter list, and their registered polling station, the Government set up a website www.biraci.me. By random checks, MANS established that the data which may be found online do not match the information from the voter list.

The voter list has also examples in which two persons have the same JMBG, and all other data different. By checking the JMBG of such persons at the Government website, the data of one person only of the two with the same JMBG are received.

For instance, there is a **Selma Čobić**, a registered voter in Bar and **Asima Gurzaković** a registered voter in Ulcinj, sharing the same JMBG, but by entering this number at the www.biraci.me only the name of Selma Čobić is obtained. The same happens with **Ruždija Bošnjak** and **Mladen Bulajić**, having the same JMBG, but the Government website features only Ruždija Bošnjak.

Based on the reports provided by citizens we encountered also different examples of inconsistencies in the voter list with the internet data base. For instance, when entering into the Government website the JMBG associated according to the voter list with the name of **Jovana Ivović**, the data base gives the data of a **Dejana Vučinić**, registered at the same polling station Primary School “Savo Pejanović“ in Podgorica. Even more interestingly, the central voter list does not feature a person named Dejana Vučinić at all.

2.6. Proceedings against MANS

MANS went public regarding the problems with the voter list; relevant authorities organised press conferences on almost a daily basis claiming there were no omissions whatsoever, although they are quite evident, and some of them have also been corrected in the final version of the central voter list. As already noted, it is not known whether any responsible person was sanctioned on the account of such omissions, although envisaged so by the LVL. Instead, **ministers and their deputies dealt with where MANS obtained the data from, and an urgent proceeding was instigated against us on the count of violation of the right to privacy, accompanied by numerous law violations.**

Two days after having published the first data, the Agency for Personal Data Protection announced launching misdemeanour proceedings against MANS and the daily Dan for having published the data from the voter lists in order to draw attention to the abuse in keeping this register; the Agency claimed we violated the right to privacy. After that, the Agency director sent to MANS a document called an order charging us with infrngenti and ordered the deletion of the data from our webpage.

The Law on Personal Data Protection (LPDP) stipulates the Agency is obliged to perform supervision, and compile a report thereof within 15 days that can be appealed against within eight days from receiving it⁶⁶. Under the LPDP, the Agency may pronounce measures and instigate misdemeanour proceedings only if establishing the complaint to the minutes was unjustified⁶⁷. The LPDP does not envisage the adoption of a document in the form of an order.

The Agency carried out supervision only 12 days after having publicly announced launching the misdemeanour proceedings against us. During supervision the minutes failed to note the key findings

⁶⁶ Article 68, Law on Personal Data Protection

⁶⁷ Article 69, Law on Personal Data Protection

by MANS referring to the public interest in publishing irregularities in the voter list, and the minutes were delivered to us together with the decision establishing that MANS violated the law.

Nevertheless, the LPDP stipulates the Agency may pass the decision only if it establishes that the objection to the minutes of inspection supervision is unjustified⁶⁸. Thus, the Agency decided upon the objection lodged by MANS even before it was even submitted.

Although in performing inspection supervision it was noted that the data were published because of the public interest, or indicating possible misuse in voter lists which may have an impact on the election outcome, in the acts passed by the Agency they failed to provide an explanation why they believe this legal ground is not applicable in the case at hand⁶⁹.

The Law envisages that the personal data protection is to be ensured in terms with principles and standards contained in the ratified international human rights and fundamental freedoms treaties and generally accepted rules of the international law⁷⁰.

According to the the European Court of Human Rights (ECHR), the private life guarantees go for providing personal development of each individual, without external interference⁷¹. Given such a standard, the question here is how the publication of the civil registry number and other data from voter lists could have had a negative impact on personal development of an individual and how it could possibly produce any harmful consequences. Particularly so in comparison with the public interest to make public the voter list related misuse and very possible criminal offences.

Secondly, the ECHR believes it to be violation of Article 10 of the Convention guaranteeing the right to freedom of expression, when there is an absolute nature of the ban and prevention of the right of the press to inform the public of a matter being very clearly in the public interest⁷². The ECHR noted that Article 10 gives protection to all persons to publicise irregularities calling for action, when an issue of public interest is raised⁷³, provided that journalists act in good faith and giving actual facts, and offer “reliable and precise” information in line with journalist’s ethics⁷⁴.

It is indubitable that the publication of data by MANS was solely in the interest of information and warning to the public, but also the responsible institutions in order to check allegations and rectify irregularities.

However, the question is why the Personal data Protection Agency failed to perform the inspection supervision in order to check whether the persons responsible for keeping voter registers and their accuracy processed personal data contrary to provisions, or whether they misused the data of several thousands of Montenegrin citizens, with a view of affecting the election outcomes.

MANS filed criminal charges against responsible ministers and their deputies on the count of reasonable suspicion that they enabled the compilation of incorrect voter lists, and the misuse of office for failing to take actions they were obliged to correct the data although aware of their existence. The response of the prosecution is still missing.

⁶⁸ Article 69 and 71, LPDP

⁶⁹ Article 10, paragraph 2 item 4 LPDP envisages that processing of personal data may be done without the consent of the relevant person if it is necessary in order to perform tasks of public interest.

⁷⁰ Article 1, LPDP

⁷¹ Judgment in Niemietz vs Germany, 1992, paragraph 29.

⁷² Du Roy and Malaurie vs France (2000)

⁷³ Marônek vs Slovakia (2001)

⁷⁴ Judgment in Goodwin vs UK, paragraph 39; Schwabe vs Austria of 28 August 1992, paragraph 34

3. BUDGET SPENDING DURING THE ELECTION CAMPAIGN

During the election campaign, the LPPF forbids state and local level budget spending units to have monthly spending exceeding the average monthly spending over the previous six months before calling the elections. The SEC and local election commissions are exempted from this ban, but also all other institutions in case of a state of emergency.

This section contains data indicating that several state institutions violated the LPPF disbursing much larger amounts of money during the election campaign than before the campaign was launched, while many of them concealed the data on their spending.

A number of case studies presented in this section show that it was during the election campaign that substantial funds have been disbursed to the underprivileged unable for many years to exercise their rights. Thus, on the eve of the elections workers victims of transition were paid out more money than the total since the establishment of the Labour Fund, thanks to issuance of state bonds with a high interest rate, and something similar happened also to the people with old foreign currency savings accounts injured for more than a decade now. All of a sudden the Government decided also to provide housing for the poorest, and gave a number of incentives and loans for farmers, something never mentioned before. Some packages for the poor and money for school textbooks were also distributed, and some citizens made public statements about such assistance being extended only to those who are of the “proper” party affiliation.

3.1. Data by institutions

MANS monitored budget spending in 65 state and local institutions invoking the FAI Law⁷⁵. We asked these budget spending units to provide the data on monthly expenditures for each month separately, January to October.

We filed applications to 78 institutions and in not more than 22 cases did we receive the information in the form requested. In most of the cases institutions relinquished competence, asked for more time to respond or simply did not respond at all, and some also provided summary data, quarterly or half-yearly, which made it impossible to conclude whether they exceeded the budget spending limit, i.e. whether they complied with the LPPF. In some of the cases when we did receive the information we managed to note violations, where some of the institutions spent on monthly basis up to three times more during the campaign than before it was launched. There were also those institutions which did not increase their usual spending patterns during the campaign.

Reviewing the data received, we identified unlawful excessive budget spending by local level institutions. The total of ten institutions increased their spending during the campaign contrary to the LPPF. The greatest increase was noted with the Secretariat for Entrepreneurship Development, Podgorica, more than double, while the least spending was noted with the local road directorate of the Danilovgrad Municipality, almost 50%.

⁷⁵ MANS filed applications requesting information on monthly spending. The data presented herein have been processed based on the responses that the institutions made available by 19 October 2012.

| Institution | Average monthly spending | Spending in August 2012 | % of increase |
|---|--------------------------|-------------------------|---------------|
| Secretariat for Entrepreneurship Development, Podgorica | 28.083,90 € | 64.842,53 € | 230% |
| Municipality of Pljevlja | 568.266,49 € | 727.399,09 € | 78% |
| Municipality of Tivat | 607.995,22 € | 1.079.638,60 € | 77% |
| Municipality of Kotor | 787.269,46 € | 1.356.135,70 € | 72% |
| Municipality of Žabljak | 68.158,46 € | 111.405,90 € | 63% |
| Municipality of Rožaje | 307.963,32 € | 502.853,70 € | 63% |
| Municipality of Plužine | 201.074,22 € | 324.724,76 € | 61% |
| Municipality of Bijelo Polje | 568.842,17 € | 848.992,94 € | 49% |
| Directorate for Transport, Road Construction and Maintenance, Municipality of Danilovgrad | 23.079,60 € | 33.324,99 € | 44% |
| Municipality of Herceg Novi | 672.270,44 € | 1.284.535,20 € | 91% |

Table 1: Institutions with increased budget spending during the election campaign

Reports were filed against these institutions and the responsible persons to all state authorities that might hold competence over handling such matters, SEC, SAI and Supreme State Prosecution (SSP)⁷⁶.

While SEC and SAI relinquished competence, SSP responded in one case by informing us that the case of the Žabljak Municipality was forwarded to the Basic State Prosecutor in Pljevlja. Meanwhile, however, we received no information as regards the specific results.

Unlike the above, the institutions that did provide data but which did not increase spending during the campaign as compared to previous months included: the Ministry of Justice and Human Rights, the National Employment Agency, the Labour Fund, the Judicial Council, the Pension and Disability Insurance Fund, and the Parliament. There were some positive examples also at the local level: the Secretariat for Finance and Economic Development - Berane, the Secretariat for Entrepreneurship and Economic Development - Bijelo Polje, and Social Work Centres in Berane, Plav and Rožaje.

3.2. Problems in monitoring budget spending

In many a case we had a problem of establishing whether the institutions complied with the LPPF or not since they made information available in such a form that their monthly spending was impossible to be determined.

Although all institutions received identical applications requesting data on spending per months, the Ministry of Economy made us available the total spending for the first eight months, making it impossible to establish the status of compliance. The Ministry of Defence, the Ministry of Agriculture and Rural Development, the Ministry of Health, the Ministry of Minority Rights etc responded similarly (more information in Annex 1 hereto).

Some local level institutions adopted similar approach. For instance, the Finance Secretariat of Podgorica made available the total spending for the first six months in 2012, without any data for July and August. Likewise, the Capital City Podgorica, the Economy and Finance Secretariat of Bar, the Secretariat for Economy and Economic Development of Ulcinj, the Economy Secretariat for Plav and the Construction and Development Agency of Pljevlja provided quarterly reports or total spending for the period observed, making it impossible to draw any conclusions on monthly spending, or compliance with legal provisions.

⁷⁶ The legal dilemmas as regards which institutions holds competence for tackling misuse of state resources to election purposes are explained in Section One dealing with the legal framework.

One of the specific examples where we were unable to establish whether there were any violations refers to the Ministry of Interior. The Mol provided data on expenditures per economic classification for each month, but from June onwards the data are joined with the ones for the Police Directorate because of the law amendments which put the Police Directorate under the Mol since June 2012.

Some institutions **failed to respond at all**, although obliged to do so under the FAI Law within eight days from application. The applications remained ignored by the following spending units: the Ministry of Foreign Affairs and EU Integration, the Ministry of Finance, the MIST, the Ministry of Science, the Prosecutorial Council, the Government Commission for Allocation of Budget Reserves, and the Construction and Development Agency of Podgorica.

Some institutions, given the volume of information requested, asked for the **extension of the deadline for providing information, but failed to do so even within the extended time**. This was the case with the Social Work Centre in Nikšić, responsible also for Plužine and Šavnik. The same happened with the Social Work Centre Pljevlja, responsible also for Žabljak. At the same time, other similar centres had no problem in making available s the requested documents within the statutory deadline, including the one in Berane responsible also for Andrijevisa, an the ones in Plav and Rožaje.

Moreover, some institutions notified us they would make the data available **once we have paid the costs for copying them, but failed to do so even after the payment was effectuated**. These include: the Finance Secretariat in Bijelo Polje, the Investment and Assets Agency in Bar, the Public Works Directorate, and the Ministry of Labour and Social Work.

In some cases the institutions **relinquished competence**, as is the case with the Investment and Construction Agency of Berane.

The Ministry of Education and Sport informed us of **not holding** the requesting information, while the Ministry of Culture and the Social Work Centre in Podgorica informed us they would send the documents to our address, but **did not do so**.

Our applications were denied by the Ministry of Transport and Maritime Affairs, the Ministry of Sustainable Development and Tourism, and the Government's General Secretariat saying that they **did not hold the information in the form requested** notwithstanding majority of other institutions which did not have the same problem because, under the Budget Law, they are obliged to keep the records in this form proper.

There was also one peculiar case; Budva Municipality rejected the request saying the main account of the treasury system was blocked and they were unable to provide the information requested.

3.3. Pre-election social policy

Case study 1: Severance payment in the function of elections

When in early 2010 the Government set up the Labour Fund, for thousands of workers who lost their jobs because of company liquidation or as redundancies this meant an opportunity of receiving 1,925 euro as severance payment. According to the data available, over 21,000 workers applied for severance payment.

Despite a large number of applications, during the first year of operation the Labour Fund paid out not more than some 500 workers.⁷⁷ The payments have not increased substantially even in the next year, mostly because the Government did not appropriate more funds to that purpose. Thus, 2.3 million euro was appropriated in the 2011 Budget for severance payments, followed by an even smaller amount next year, 2.1 million. Since the Labour Fund establishment, over the period of two and a half years, the total of 2,777 workers received severance payments⁷⁸.

However, in mid July 2012, at the time when it was already obvious the elections would be called for autumn, the Government suddenly decided to go into debt for the sake of such workers. Thus, on 27 July, four days before the elections were called, the government issued bonds worth close to six million euro, to pay out 3,115 workers.

| | |
|------|--|
| II. | Datum emitovanja obveznica: 27.07.2012. godine; |
| III. | Iznos emisije: 5.999.490,00 Eur-a; |
| IV. | Vrsta obveznice: Amortizujuća obveznica sa godišnjim isplatama dijela glavnice i kamate na preostali dio glavnice; |
| V. | Serijski broj: FR; |
| VI. | Nominalna vrijednost jedne obveznice: 1.926,00 Eur-a; |
| VII. | Obveznice imaju prinos po fiksnoj kamatnoj stopi od 7% godišnje; |

The bond issuance meant borrowing for the Government at the interest rate of 7 %, hence, the taxpayers will have to pay additional 1.3 million euro to the total sum of six million.

When passing this decision, the Government referred to Article 17 of the Budget Law which enables Government borrowing by issuing securities to cater for current liquidity needs. However, this was obviously just a formal legal ground for borrowing in order to provide for severance payment for a large number of workers in the eve of the elections, thus making a harmful decision since it affects all taxpayers. The severance payments were not made from real sources, but through borrowing, which means that the mere interest payments to be paid would have been enough to pay out as many 683 extra workers. At the same time, the bond issuance comes in the year when the Government, due to financial difficulties caused mainly by the debt guaranties for the Aluminium Plant (KAP), announced further borrowing in the amount of several million euros.

The state bond sale auction was held on 14 September, exactly a month before the parliamentary elections and during the election campaign, and the workers received the payment soon afterwards.

Given the reasonable suspicion that government officials, through malpractice and misuse of office, passed a harmful decision so that the governing coalition with the Democratic Part of Socialists (DPS) they belong to have gains in the parliamentary elections, MANS filed criminal charges against the Prime Minister Igor Lukšić and the Minister of Finance Milorad Katnić.

⁷⁷ Statement by the Labour Fund director, Kemal Đečević to the daily Vijesti on 06 February 2011

⁷⁸ According to the minister responsible for social matters, an article in the daily Pobjeda on 27 July 2012

Case study 2: Sudden payment of old foreign currency saving deposits

After several years of futile attempts to receive compensation, the savings depositors of former Yugoslav banks Dufiment and Jugoskandik were given this opportunity by the Government of Montenegro only this June, at the time when it was already certain that elections would take place in autumn. The Prime Minister's Office decided to issue bonds, and the payment for over 5,000 of claimants was announced already in June. The total of 4.5 million euro was appropriated for this.

However, the Government did not stop here, but in late August, with the election campaign well under way, adopted the amendments to the law governing the payment of foreign currency deposits, appropriating 3.5 million euro to that purpose. At the same time, it extended the deadline for filing claims until the end of this year and promised the payment in the second half of 2013.

Case study 3: Social housing distribution and payment of allowances

Immediately before the elections, the Mayor of Podgorica, Miodir Mugoša, distributed 40 social housing flats for beneficiaries of social assistance. The announcement was published in early July and following the closure of the appeals procedure, held in August, the flats were distributed.

Ten days before the elections, the Minister of Labour and Social Welfare, Suad Numanović gave ten flats for the use of underprivileged families in Bijelo Polje. On the occasion, ten more were announced to follow.

During the election campaign, on the occasion of his visit to Šavnik, Minister Numanović gave flats to two families in state of social need that lost their homes in adverse winter weather.

The media⁷⁹ published a letter by the municipal DPS committee in Berane sent to the Party Director, Branimir Gvozdenović requesting the provision of funds for payment of one-off assistance to persons in the state of social need, firewood, textbooks, severance payments from the Labour Fund, loans, internships and other benefits for the affiliates of the governing party.



ДЕМОКРАТСКА ПАРТИЈА СОЦИЈАЛИСТА ЦРНЕ ГОРЕ
ОПШТИНСКИ ОДБОР БЕРАНЕ

Можжеје Зетска бр. 30

84300 БЕРАНЕ

Телефакс: 051/235-825,
235-824;

НАШ ЗНАК 06 - 74/12
БЕРАНЕ, 29. 08. 2012. год.

ДЕМОКРАТСКА ПАРТИЈА СОЦИЈАЛИСТА ЦРНЕ ГОРЕ
g-dinu Branimiru Gvozdenoviću, političkom direktoru

1. Socio-ekonomska situacija u Beranama je veoma teška. Jedan od gorućih problema koji karakteriše sadašnje vrijeme u Beranama je veoma loša privredna situacija. Dešavanja u regionu, u poslednjih 20-ak godina, sankcije,

*Parts of a letter by the municipal DPS committee
to the headquarters*

- obezbijediti sredstva za isplatu jednokratnih novčanih pomoći licima u stanju socijalne potrebe, a spiskove bi Vam dostavili poslije sjednica mjesnih odbora,
- obezbijediti 1500 m³ ogrijevnog drveta socijalno ugroženim kategorijama (500 porodica po 3 m³),
- realizovati kupovinu udžbenika korisnicima socijalne pomoći najkasnije do 10-og septembra,
- isplatiti otpremnine našim članovima preko Fonda rada u toku mjeseca septembra (spiskovi su dostavljeni),
- odlučiti po zahtjevima i uraditi rješenja za isplatu otpremnina licima koja su po osnovu stečaja ostali bez posla (dostavljen spisak oko 200 članova),
- smanjiti nezaposlenost i podspješiti privredne aktivnosti.

Za održavanje nisko-naponske mreže i urednog snadbijevanja stanovnika u prigradskom i ruralnom području obezbijediti 250 stubova (specifikacija podnijeta od strane elektro-distribucije Berane).

S poštovanjem,

Opštinski odbor DPS Berane
predsjednik,
Dr Budimir Dabetić, s.r.

⁷⁹ The daily Dan of 09 September 2012

The MANS data show that some municipalities increased payments of one-off assistance for the underprivileged in July and August. Thus, the Municipality of Danilovgrad paid 400 euro in total for two families between the beginning of the year and August, while in September alone it paid 700 euro to seven persons. Also, in July and August, Nikšić Municipality paid some 10,000 euro as one-off assistance, while between January and July the total of 15,000 euro was paid, but specifically as aid to recover from natural disasters. Over the first half of the year, Budva Municipality paid out 400 euro, only to increase this amount to 1,200 euro for the three summer months. In addition, the director of the Social Work Centre in Bijelo Polje stated for the media⁸⁰ that the number of family allowance beneficiaries increased during the election campaign for additional 80 families.

Invoking the FAI Law, MANS requested the data for all Montenegrin municipalities, but these were not made available within the statutory deadline.

Case study 4: Campaigns and flats for pensioners in Podgorica

In early August, immediately after the elections were called, the Pensioners' Association Podgorica announced a competition offering 100 flats under preferential terms. The Association failed to provide any explanation why the announcement was published with the building still unfinished, built only up to the fourth floor.



The competition was closed immediately before the elections on 14 October, stating that they received 300 applications in total.

The same Association organised another campaign, not more than some ten days before the elections, offering one-off monetary assistance of 30 euro to pensioners under the poverty line.

On 02 October, the Association invited their neighbourhood committees to start compiling lists of pensioners in need of one-off monetary assistance.

Several days afterwards, the distribution of money started, that continued throughout October, and members of the Association claimed it had nothing to do with the elections and was not distributed to party affiliates.

The Association failed to name the source of funds used to provide one-off assistance to the most underprivileged among the elderly population in the Capital City.

Case study 5: Packages for the poor



The neighbourhood community “19 decembar” in Podgorica distributed in late September some forty food and hygiene packages as charity for the most underprivileged. This community is headed by the DPS official Saša Muratović, who stated the assistance was provided by “businesspeople and friends” of the neighbourhood, claiming that people came as of their own free volition to apply, and based on such applications a list was made for distributing charity.

⁸⁰ The daily Dan of 15 September 2012

Case study 6: Assistance to farmers

In early August, the Minister of Agriculture, Tarzan Milošević started visiting Montenegrin municipalities and talking to farmers regarding their problems. Milošević was the only minister whose visits were not officially announced on the Government website, but the media reported from each place he visited. Thus it is known that when talking to farmers at the Piva mountains, or at summer pastures of Bjelasiaca or, let's say, when visiting Kolašin and Danilovgrad, he mostly discussed the problems around purchasing fodder caused as a result of bad weather last winter and the draught during the summer. The issues discussed included also the purchase price for cattle, procurement of new equipment and allocation of loans through the Midas programme.

This resulted in the Government decision, passed in September, to appropriate 1.5 million euro for purchasing fodder. Farmers will have the benefit of payment in monthly instalments through deductions from purchased milk or milk premiums.

The distribution of fodder started several days before the elections, followed by the first direct accusations that it is made available only to the "selected". Slavko Drobnjak from Pljevlja stated that some farmers from his area received a call from the Cattle Selection Service to be notified of the fodder distribution, but that he was overlooked, notwithstanding his large sheep and cow farm.

In addition, in late September the same ministry granted loans for the use of solar energy in summer pasture villages, for 104 families, the public call was published between 04 July and 17 October.

Case study 7: Free textbooks for safe voters

In early September, Aleksandra Klikovac from Zeta, in the vicinity of Podgorici, spoke publicly of how free of charge textbooks were distributed to the children from the so-called vulnerable families. She accused the president of the neighbourhood community Vukovci Ponari of making lists and distributing free textbooks solely to families whose members would commit to vote the governing coalition in the parliamentary elections. Klikovac said her three children were denied the textbooks, although she was a beneficiary of family allowance and had the right to such assistance.

The community president first gave the name of persons in charge of distributing textbooks and further encouraged suspicions that the DPS, through neighbourhood community, as their party cells, distributed free sets of textbooks to families whose members would vote this party in the parliamentary elections instead to underprivileged. On the same day, the Minister of Labour and Social Welfare, Suad Numanović stated such distribution was done using exclusively the list from the Social Work Centres⁸¹. A day later, the same community president retracted what he said and now claimed that no free distribution of textbooks was ever done through that community⁸².

The Government programme for provision of textbooks refers to making textbooks available free of charge to primary and secondary schoolchildren from underprivileged families or deprived of parental care or attending special education. The Roma are also included as beneficiaries.

Last year the Government appropriated some 640,000 euro for free textbooks. However, the Minister of Labour and Social Welfare said that this year the appropriation amounted to as much as 900,000 euro. Incidentally, this was the first time that parents received money instead of actual sets of textbooks. This was explained by the Government that it involved workbooks, although the same held true before, but there had never been any cash payment before.

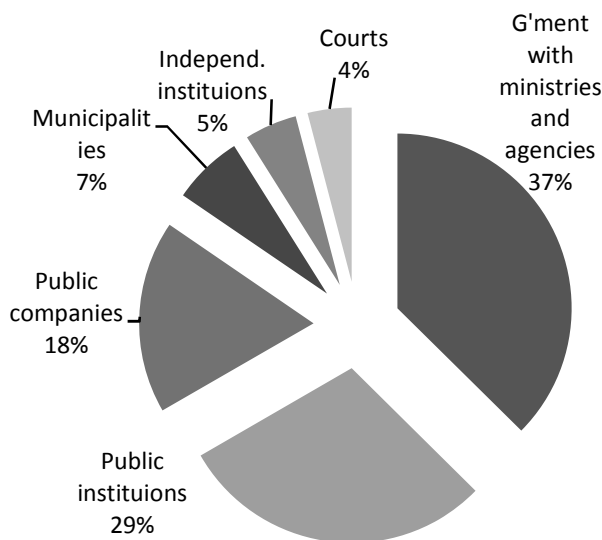
⁸¹ The daily Vijesti of 23 August 2012 „DPS Launched the Campaign: Textbooks for Votes“

⁸² The daily Vijesti of 24 August 2012 „Radičević: Neither my best man from the DPS was aware of the lists“

4. UNLAWFUL RECRUITMENT DURING THE ELECTION CAMPAIGN

According to the official statistics, close to 50,000 citizens fit for work are out of the job⁸³, making recruitment one of the best ways to make not only individuals, but their whole families, vote for the political party that enabled them to get a job. The LPPF bans job advertisements and recruitment in the public sector at the central and the local level over the period between calling the elections and the election day, with the ban covering employment as per limited period of time and as per service agreements⁸⁴.

Monitoring the violations during the elections campaign, MANS discovered in total 123 cases of advertising vacancies in contravention to the LPPF provisions, mostly for the needs of the Government and public institutions. The case studies featured in this section show that the top state officials, headed by the Prime Minister, engaged in misusing recruitment in an organised fashion, showing little compunction even to use loans of IFIs to that purpose. However, there is no institution responsible for such violations, and thus no one was held accountable.



Graph1: Job ads

Monitoring the media over the period between calling the elections and the election day we noted in total 123 cases in which institutions, in contravention to the LPPF, announced vacancies for jobs for a limited period of time, including for interns. The greatest share was announced by the Government - almost 40%, then public institutions - close to 30% and for the needs of public companies - over 15%. The greatest share is accounted for by the judiciary - less than 5%.

The LPPF envisages that responsible persons in institutions which announce vacancies or recruit people during the time of the ban are punishable by a fine between 200 and 2,000 euro. Invoking this provision, we filed in total 56 reports each to SEC, SAI and SSP, but in vain⁸⁵.

⁸³ MONSTAT data from September 2012.

⁸⁴ The only allowed recruitment at this time is per open-ended contracts, since this is a very rarely used tool for political gains in election campaigns. Namely, the open-ended contracts in state or local administration go with huge benefits under the Labour Law, including severance payments in case of losing the job. This is the reason why no government has overly used this mechanism to affect the election outcomes, given that the greatest share of people recruited during election campaigns tend to lose their jobs after the elections are over, upon expiry of contracts. In this case, authorities are under no obligation for any severance payments.

⁸⁵ As stated in the Section One: Legal Framework, according to their own interpretations, neither the SEC nor the SAI hold any competence over the enforcement of these provisions, while the prosecution failed to provide any response by the time this report was prepared.

The National Employment Office (NEO) is one of the institutions which was reported since during the period of the ban it announced vacancies in public institutions, public companies, municipalities and ministries⁸⁶.

MANS reported also the Human Resources Agency (HRA) which announced vacancies on behalf of other institutions, through the National Employment Office or on its website. On behalf of other authorities, the HRA posted on its website the total of 53 job announcements, 12 of which for interns, 41 of which for the Government, ministries and agencies, 6 for public institutions, 5 for independent institutions, and 1 for courts.

During the election campaign period, the ministries themselves announced five more vacancies, public companies 22, 5 of which for interns, and municipalities 8, also reported to competent authorities by MANS. The reports included also public institutions which announced the total of 30 job vacancies.

Over the same period, courts announced four vacant posts, and the Commission for Prevention of Conflict of Interest announced one vacancy, as also reported by MANS.

Following the MANS announcement in the media that reports were filed with competent authorities, four public institutions cancelled the advertisements for 4 posts, admitting to have violated the law.

The Annex 2 hereto gives an overview of job advertisements posted during the election campaign.

Case study 8: Recruitment of university grads

When the annual work programme was adopted in early 2012, the Government did not plan to pass a law which would help university graduates to do their internship. This became a pressing issue for the Government only in June when it was quite certain the early parliamentary elections would be held in autumn.

The Government drafted the law which envisages 9-month internship for 4,500 university grads in the public or the private sector. According to the original intention of the government officials, 10 million euro would be needed for putting this idea to life which is to be provided in the 2013 Budget, when the recruitment would start.

This law, however, was adopted by the Parliament in an urgent procedure and entered into force on 19 July, or 12 days before the parliamentary elections were called.

Despite the recruitment ban during the election campaign, on 10 September the government offices HRA and the National Employment Agency published a call for state authorities and employers to take part in the professional development programme for university graduates. The call was open until 15 October, a day after the election day, after which the next stages were announced, including applications, selection and commencement of work.

Immediately after the call was published, most of the ministers started promoting the programme at the height of the election campaign. Thus, when visiting municipalities, during business hours, at the cost of taxpayers, jobs were promised to university grads by the Prime Minister Igor Lukšić, the

⁸⁶ The National Employment Agency posted the ads in the dailies Dan and Vijesti.

Labour Minister Suad Numanović, the Science Minister Sanja Vlahović, even the Sustainable Development Minister Predrag Sekulić.

With reference to this case, on 12 October MANS filed criminal charges on the count of misuse of office against the Prime Minister Igor Lukšić, the directors of the National Employment Agency and the HRA, Vukica Jelić and Svetlana Vuković, respectively; incidentally, they are wives of long-standing DPS MPs Zoran Jelić and Miodrag Vuković.

Case study 9: New jobs through the EIB loan

Alongside the programme for university graduates, the Government and its ministries promoted extensively during the election campaign another job generation programme. It is a 50 million euro worth programme to support SME, to be financed by the European Investment Bank (EIB). The whole project is implemented through the government Investment and Development Fund (IDF) under the name “Entrepreneurship at Your Doorstep”.

At the height of the election campaign, for exactly 20 days (between 24 September and 12 October) the officials from the IDF, the Ministry of Agriculture, the SME Development Directorate, and the Employment Agency visited all Montenegrin municipalities to promote the project.

The 50-million worth loan agreement with the EIB was signed on 10 October when it was said that the money will be disbursed in two 25 million euro tranches. Hence, over a brief period just before the elections, the government officials visited each town to promote the loans even before the pertinent agreement was signed and the funds would not be available until several months later.



Apart from the Finance Minister Milorad Katnić and the Minister of Sustainable Development Predrag Sekulić, the official signing of the agreement with the EIB was also attended by the Prime Minister Igor Lukšić, heads of the Transport Directorate and Public Works Directorate, Veselin Grbović and Žarko Živković, although their scope of competences has nothing to do with the loans to SMEs. Four days before parliamentary elections, the Government used the occasion of agreement signing and the whole job generation project for election promotion of governing political parties.

5. PRIVATE DONATIONS

Judging by the reports provided by political parties, only one private company donated to the political campaign of an opposition party⁸⁷. The reason for this unusual practice may be sought in the new LPPF banning private party donors to take part in the public procurement procedures, and companies that won state tenders over the past period are banned from financing parties⁸⁸.

The case studies given in this section show that the vague LPPF provisions led to a brand new phenomenon in Montenegro of private companies, which won large public tenders, providing donations to the “state”, instead of the political parties, which was the case before⁸⁹.

Thus they indirectly support governing parties, whose leaders inaugurate new buildings and take credits for that. One particularly curious fact about such “donated” infrastructure projects is that they are contrary to current public procurement legislation.

Case study10: Donations by "Bemax"

The construction company Bemax, which won some 70 state deals worth 137 million euro over the last several years, “donated” during the election campaign the construction of several local roads and other facilities in Bijelo Polje, Kolašin and Podgorica, while the inauguration ceremonies were used as DPS election promotion.

All was done with wholehearted approval of local governments, despite being contrary to the Public Procurement Law stipulating that no infrastructure project could be done without competitive tenders.



Despite the legal limitations, Bemax built a subterranean railway crossing and two pavements in two suburban neighbourhoods in Bijelo Polje, reportedly having invested some 200,000 euro. Five days before the elections the inauguration ceremony was held, with Education Minister Slavoljub Stijepović cutting the ribbon, in the presence of the Mayor of Bijelo Polje Aleksandar Žurić and the Director of the Transport Directorate Veselin Grbović, a DPS official.

⁸⁷ The reports of donations to political parties posted at the SEC website by 18 October 2012 state that it was only the Positive Montenegro that received a 100.25 euro donation by the Water Group.

⁸⁸ The LPPF envisages that private companies or legal entities may donate political parties and other submitters of candidate lists up to 10,000 euro for election campaign costs. Still, they must also meet the requirement of not having contractual relations with public institutions at the national or local level, including public procurement contracts for goods and services within the last two years from the day of the donation. In addition, the LPPF bans legal entities which donated to political parties from taking part in public procurement and entering into contractual relations with public institutions for two years after that. Such bans refer also to donations of individuals linked with such entities (e.g. owners, founders, authorised representatives, board members etc). More details in Section One: Legal Framework

⁸⁹ For instance, the governing DPS was supported during the previous election campaign by the Ljetopis Automotive d.o.o. with 10,000 euro, and the same company between 2008 and 2010 won several public tenders, worth 24 million euro.

In August Bemax “donated” the reconstruction of a road in Kolašin. After the completion of works, Mayor Darko Brajušković, again a DPS member, said he hoped that Bemax equipment “would not leave” their town.

The same company rehabilitated a local road in Farmaci, Podgorica, announced several years before. Public tender was again avoided.

MANS filed criminal charges against the mayors of the three municipalities for misuse of official authorities, but the prosecution did not provide any response by the time of this report.

Case study 11: Donations by “Čelebić” and “Gradnja promet”

The companies “Čelebić” and “Gradnja promet” also carried out infrastructure projects as “donations” without public tenders during the election campaign.

“Čelebić” rehabilitated a road in Beri, Podgorica, worth 100,000 euro. The company founder, Tomislav Čelebić, associated with the DPS President, Milo Đukanović, through ownership in a private university. According to MANS data, over the past several years “Čelebić” received from the Capital City’s budget alone some 25 million euro for two deals, and over the same period the total amount of funds received from the state budget was over 56 million euro.

The “Gradnja promet” company “donated” the rehabilitation of the road to Danilovgrad, while the Capital City provided fuel for their machines⁹⁰. This company is also characteristic for its many deals with the Capital City worth some 17 million euro.

| |
|--|
| <p>SEKRETAR ZA KOMUNALNE POSLOVE I SAOBRAĆAJ MIOMIR M. MUGOŠA OBIŠAO GRADILIŠTE PUTA U BERIMA</p> <p>Polu kilometra za deset dana</p> <p>Rekonstrukcija dijela puta Beri - Krusi biće završena za desetak radnih dana ukoliko vremenski uslovi dozvole. Trenutno se nasipa put i priprema teren za asflatiranje. Da će put biti brzo završen juče je saopštio Miomir M. Mugoša, sekretar za komunalne poslove i saobraćaj, koji je obišao gradilište. Rekonstrukcija dijela puta, u dužini od 510 metara je donacija firme „Čelebić” Mjesnoj zajednici Lješkopolje. Izgradnja prve faze puta Beri - Krusi, kako je saopštio Mugoša, ugovorena je 2009. godine.</p> |
|--|

MANS filed criminal charges against responsible persons in this case, again ignored by the prosecution.

Case study 12: A mountaineering hut



Private companies “Bemax“, “Ramel“, “Libro“, “Viking“, AD “Mehanizacija i programat“, “WHM“, “Mi-Rai“ and “Top Fors Sistem“ donated funds for constructing a mountaineering hut “Javorak” in Nikšić. Apart from “Bemax“, “Mehanizacija i programat” received over 1.8 million euro, and “Ramel” over 300.000 euro from the state budget through public tenders.

The Prime Minister Lukšić visited the construction site during the election campaign.

The old building burnt in a fire in 2007, and since 2010, the Mayor of Nikšić, incidentally a DPS member, kept promising the construction of the new building, but before the elections only a hole for the foundations was dug at the expense of the municipality. The whole job was done during the election campaign by the two private companies.

⁹⁰ More details in Section 6: Inauguration of (un)finished infrastructure projects

6. INAUGURATION OF (UN)FINISHED INFRASTRUCTURE PROJECTS

The case studies featured in this section show that governing coalition officials violated the law during the election campaign by inaugurating unfinished infrastructure projects, possibly threatening public safety and human lives. Although all these facilities were built with the taxpayer's money, the inauguration ceremonies showed them not only as achievements of the Government, but primarily of the composing political parties. This section contains also the specific example of the purchase of votes through construction of road infrastructure.

Case study 13: Nikšić-Podgorica railway

On 01 October, two weeks before the elections, the Prime Minister Igor Lukšić inaugurated the Nikšić-Podgorica railway, although without a certificate of occupancy⁹¹ and as such not safe for passenger transport. The final works on the rail intensified in July when it became evident that elections would be held in autumn. Otherwise, the total rail reconstruction works, worth 70 million euro, started already in 2006, announcing on several occasions soon completion, some notable examples being on the eve of the 2009 elections or during the local elections a year afterwards.

Immediately before this year's elections, the Railway Transport Director Zarija Franović, a prominent DPS official, first announced the inauguration for 15 September, and then moved it to 01 October.

Intent on having trains operating on the line as soon as possible, Franović was not prevented even by the fact that the works on one section in danger of landslides and on the railway crossing had not been finished yet, and in particular that the line ministry had not issued the certificate of occupancy. Moreover, only 4 days before the inauguration the railway company filed an application for the building permit for railway crossings, and another for the certificate of occupancy.

VLADA CRNE GORE
Ministarstvo održivog razvoja i turizma

Priloga: 26 09 2012
Org. št.: 05-2462/1

PREDMET: Zahtjev za dobijanje građevinske dozvole

Obraćamo Vam se sa zahtjevom da nam izdate građevinsku dozvolu za izgradnju signalno sigurnosne i telekomunikacione opreme na pruzi Nikšić-Podgorica

Building permit application

VLADA CRNE GORE
Ministarstvo održivog razvoja i turizma

Priloga: 26 09 2012
Org. št.: mp I 05-256/2

Predmet: Obraćanje za izdavanje upotrebne dozvole za radove na gornjem i donjem stroju pruge i putnim prelazima pruge Nikšić - Podgorica

Certificate of occupancy application

Notwithstanding that the legal requirements have not been met, the Nikšić-Podgorica line was open for traffic on 01 October in a ceremony attended by the Prime Minister Lukšić and several government officials, accompanied by numerous governing party affiliates. Given the manifest and conscious violation of legal provisions in this case, on 03 October MANS filed criminal charges against Zarija Franović, but the prosecution did not respond in any way.

⁹¹ The Certificate of Occupancy is issued following a technical inspection of the facility as a proof that works were executed in accordance with standards and that the structure is safe and could be put to use.

Case study 14: A road to Danilovgrad

Four days before the elections the officials of Podgorica organised a ceremony to inaugurate the unfinished road to Danilovgrad. It turned out that the road section next to the Morača river was rehabilitated by the private company “Gradnja promet” as its donation⁹², and that the Capital City provided fuel for the construction machines. This means that in case at hand the mandatory public procurement procedure was circumvented.

Acting as per this case, MANS established that the questionable works started already in June, and that the construction permit was granted in late July, thus the private investor was also guilty of illegal construction. We also established that the building permit proper was unlawfully granted since some of the accompanying documents were issued at a later stage.



The Mayor of Podgorica, Miomir Mugoša, a DPS official, visited the contested road site in early September and announced the road would soon be open. Mugoša then stated that a tender was soon to be launched for building supporting walls, and that the continuation of works would be planned in the local budget for the coming year.

Despite this being an unfinished road, which does not guarantee safe use, it was inaugurated on 10 October. In the announcement of the road inauguration, the Information Office of the Capital City said that “by removing the rocks the road is now ready for opening”.



The photographs from the field show this to be a completely unfinished road so its inauguration was clearly used for DPS pre-election propaganda, to promote another supposedly successful investment.

MANS filed criminal charges in this case against Mayor Mugoša and several local officials on the charge of violations of several laws and misuse of state resources in election campaign, but the prosecution did not respond.

Case study 15: Podgorica’s bazaar



Several days before the elections, another unfinished building was opened in Podgorica - a large mall “Bazar”. The inauguration ceremony was held on 08 October, attended by a large number of DPS officials, including the President of Montenegro Filip Vujanović. The Mayor Miomir Mugoša, who cut the ribbon, did not dispute that he was opening a partially finished building. It was said at the inauguration that the second floor of the “Bazar” building was not finished yet, but it was nevertheless put to use.

⁹² More information in Section 5: Private Donations

Case study 16: Tarmac to votes

That construction of infrastructure facilities is used for getting votes, as is indubitably shown by the Strane village in the Berane area whose residents approached the Government asking to be assisted with the problem of road infrastructure they had been facing for many years. This was an occasion for the DPS Vice President, Svetozar Marović and the Mayor of Berane, Vuka Golubović, from the same party, to visit the village and say they would address the issue in the matter of days.



Following the visit, the villagers sent a letter to the government saying that 100 of them, out of 110 registered voters, would support the governing coalition for the first time since they were “the only government that paid attention to their problems”. Incidentally, the CC stipulates that whoever demands or receives a gift in order to cast a vote certain way is punishable by a fine or imprisonment up to one year.

As the election campaign was drawing to its end, local governments particularly intensified smaller-scale infrastructure works, such as road paving and repairs or construction of village waterworks. According to the data published, as many as 22 such interventions were recorded, financed from local budgets, and frequently also by donations of private construction companies.

Thus, the town and local roads in Podgorica, Bar, Cetinje, Žabljak, Herceg Novi, Mojkovac, Kolašin, Bijelo Polje and Plav were paved. As reported, the machines donated by the European Union were used to rehabilitate rural roads in Mojkovac, while in Kolašin, Bijelo Polje, and Podgorica the companies “Bemax”, “Čelebić” and “Gradnja promet” donated the construction of several roads⁹³. Where private companies did not take part in the election campaign, municipal road companies were commissioned. The value of such investments is not known.

Given the election time, apart from roads, city leaders paid special attention to the rural population, mostly promising water supply.



Thus, the Minister of Agriculture, Tarzan Milošević inaugurated the construction of waterworks in two villages in Niksic area while the Mayor of Podgorica, Miomir Mugoša, promised the same in several villages under his jurisdiction.



At the same time, some new investments were officially announced during the election campaign, such as the construction of a pre-school building in Bijelo Polje, donated by Azerbaijan, which, according to the Government leaders, crowns a successful deal following the public tender won by a company from this country.

The construction of a football field in Kolašin, and the Eco City in Bjelopavlići, Danilovgrad, for the underprivileged were also announced.

⁹³ More details in Section Five: Private Donations

7. STATE OFFICIALS AND THE ELECTION CAMPAIGN

The LPPF forbids involvement of state officials and public employees in election campaign activities during business hours.

This has not prevented permanent and intensive misuse of state resources by the government officials while visiting local governments with a view of promoting their political agendas. One minister admitted this openly, but was not held accountable since all institutions relinquished competence in sanctioning such law violations.

Between 31 July and 12 October 2012, for the duration of the election campaign, the Prime Minister Igor Lukšić and most of the government ministers, visited the municipalities, during business hours at least 65 times. On the first day of the campaign there was one ministerial visit, 4 altogether in August, 27 in September, and as many as 34 such visits to local self-governments by the Prime Minister and government ministers for the 11 days in October.



While visiting the 21 municipalities, the government officials inaugurate finished and unfinished projects alike, performed ground-breaking ceremonies for infrastructure projects, even those long due to be completed, but also promised new jobs to students and loans to SMEs.

The Prime Minister Igor Lukšić and the Minister of Labour and Social Welfare Suad Numanović were the most active in this respect, with 11 visits each over the period observed.

Lukšić mostly inaugurated various structures, including one substation, accompanied by his party colleague, Mayor Marija Čatović. Numanović mostly promoted the government-led project for employment of university graduates. During the election campaign he was also reported to have visited Bukovica and announced construction of homes for returnees, and was accompanied on the occasion by the President Filip Vujanović.



The ministers of agriculture and of sustainable development, Tarzan Milošević and Predrag Sekulić come second. Minister Milošević promised farmers hay and fodder under preferential terms, and was also reported to have distributed fodder from the contingent provided by the government while visiting summer pastures in the Bjelasici region. On the other hand, Minister Sekulić was the only government official who openly admitted he was promoting the DPS during his business hours.

Among other government members, a prominent role was played by the Finance Minister Milorad Katnić with eight visits, the Health Minister Miodrag Radunović with six, and the ministers of economy and of education, Vladimir Kavarić and Slavoljub Stijepović, with three visits each.

Strangely enough, there were reports of several visits where the presence of line ministers did not make much sense given the nature of events attended.

Thus, the head of our diplomacy, Nebojša Kaluđerović attended the signing of the contract for building a sport hall at Žabljak, the health minister the signing of a sale agreement for a dairy in Berane, and the Justice Minister Duško Marković talked to students in Rožaje about the status of students and regional development.



Case study 17: He who has admitted, is forgiven



Even more explicitly, responding to a journalist’s question whether his visit to Zeta was a part of the election campaign, the Minister of Sustainable Development and Tourism responded that he was in the election campaign for the past three and a half years.

“I was in the Parliament for two years... I was in a very intensive campaign then since I was explaining to citizens why their vote to the governing coalition was a good choice. I’ve been doing the same as a minister for the past year and a half”, said Sekulić.

In response to a question when he visited Zeta last, Sekulić said he was “very much present” during the local elections campaign.

No proceeding was launched against him, nor did he suffer any consequences, although the LPPF explicitly forbids the involvement of public officials in the election campaign activities during the business hours. The SEC, the SAI and the Supreme State Prosecution relinquished competence over the case upon the report by MANS, and thus no one in the state is responsible to instigate proceedings against Minister Sekulić on the count of evident violation he openly admitted.

Case study 18: Ground-breaking ceremonies for new-old building sites



During the election campaign, the Government officials inaugurated the beginning of some major infrastructure projects, mentioned for many years as the ones due to be already finished.

Thus, the Prime Minister Lukšić inaugurated the beginning of 18.5 million euro worth construction works on the water supply and sanitation network in Herceg Novi. However, back in 2007 the issue of waste waters in the municipality was announced to be addressed soon. Hence, it was due to be completed by now, not only to start.

Apart from the Prime Minister Lukšić, the inauguration ceremony for the “new” works in Herceg Novi was also attended by two ministers - Predrag Sekulić, responsible for tourism and sustainable development, and Milorad Katnić, leading the finance ministry. Interestingly, when asked by a journalist whether he attended the ceremony as a part of the election campaign, Lukšić said it was “part of the campaign lasting not a month, but four, or eight years already“.

On the eve of the elections, in Kotor the government officials reopened the story around several projects awaiting years to be addressed. These include the cable car from this coastal town to Cetinje and an elevator to the Kotor fortress, announced back in 2005, then the ring road to bypass the town, mentioned as an idea since 1998. Nothing concrete has been done as per any of the projects.

Another project, suspended for many years now, was promised to be completed. In Kolašin the Minister of Labour, Suad Numanović announced the completion of the social housing building, the construction of which started back in 2006. During his visit, Numanović failed to give details as to what sources of finance will be used to continue works, thus raising suspicions this might be yet another pre-election promise.

The rehabilitation of the Farmaci-Grbavci road also started during the election campaign, although the pertinent documents were signed already in March. The Agriculture Minister, Tarzan Milošević noted it “was a problem the addressing of which must not wait for the winter to come, since the consequences would be disastrous”, and thus the works started some twenty days before the elections.

Moreover, in Danilovgrad another minister, this time of health, Miodrag Radunović, only three days before the elections, announced the continued construction of the pharmaceuticals plant. The works were suspended for full three years.

The same town witnessed the inauguration of the road between the monasteries of Ždrebaonik and Ostrog. Oddly enough, the construction of this road took the unbelievable 13 years, with the opening postponed several times, only to be finally inaugurated on 10 October, or four days before the elections.



8. PRESSURES ON STAFF

The violation of the freedom to cast vote is a criminal offence punishable by a fine or up to one year prison term. A number of examples featured in this section lead to a suspicion of attempts to influence the staff in public institutions and state companies, but also in private ones, to support the governing coalition, and such allegations are confirmed by several witnesses. The prosecution claims the investigations are under way, but not even after one month there are any results.

Case study 19: Lists in public institutions and state-owned companies

In mid September the opposition Socialist People's Party (SNP) accused "Budvanska rivijera", a company in which the state has a controlling stake, of having made lists of their workers according to their party affiliation aiming to exert pressure on them to vote the governing coalition.

According to the media writings, the lists include information such as who of the staff members need talking to and who among the workers "must not cast a vote".

Special columns were used to mark the party affiliation of workers, and thus those who support the governing coalition were marked with a „+“ sign in the first column, while the ones against are marked with a „-“ sign in the second column. The list also contains columns marked as "does not vote" or "talk".

Among others, the directors at „Budvanska rivijera“: Vule Tomašević, Minja Šoljaga, Vojo Gregović and Branko Medigović were mentioned as the ones campaigning for the governing coalition.

| | | | | | |
|------------|---|--|---------------------|--|--------------------|
| NADA | + | | | | |
| RADOJKA | + | | | | 9 a |
| ĐORDE | + | | | | 11 |
| SNEŽANA | + | | | | |
| MILAN | + | | Minja Š | | 11 ili |
| ZORAN | | | | | |
| VERA | + | | | | 10 |
| DRAGAN | + | | | | a9 a |
| KSENIJA | + | | | | 15 a |
| STEVO | | | ne radi više | | 13 ili a13 |
| PETAR | + | | | | 15 |
| DRAGANA | + | | | | 17 a |
| MIROSLAV | + | | | | |
| MILOVAN | | | Boško B. SDP?? | | 9 |
| BRANKO | + | | | | |
| MILANKA | | | Lana ? | | 13 a |
| ANETA | + | | | | 15 |
| RADOJE | + | | | | 13 a |
| SANDRA | + | | | | 15 a |
| ZORAN | + | | | | 11 a |
| DRAGE | + | | Krsto J.J | | 15 a |
| LJILJANA | + | | Ljubo R. Biserka P. | | 13 |
| MARKO | + | | | | 7 a |
| OLGA | | | Krsto ? | | 15 a |
| VESNA | + | | | | 13 ili a13 ili a15 |
| ZORICA | | | ? Zvezdana T | | 4 a |
| ZORA | + | | | | 18 a |
| NADA | | | Ljubo R. Vlado D. | | 7 ili 18 ili a13 |
| SPOMENKA | + | | | | 18 |
| NEVENKA | + | | | | 11 a13 |
| VOJISLAVKA | + | | | | |
| ŽELJKO | + | | | | a13 |
| ANDRIJA | + | | | | 13 |

There was a similar list for the staff of the public institution Museums, the Gallery and Library of Budva, stating the president of the local branch of DPS, Boro Lazović, Deputy Director of "Budvanska rivijera", Ljubomir Rađenović, former Chief Administrator of the Municipality of Budva, Mihailo Kapisoda and former Mayor of Budva, Rajko Kuljača as persons in charge of talking to the staff about their vote in elections.

| | | | | | | | |
|---------|----------|---|---|--|--|------|----------------------------|
| USIĆ | IGORDANA | + | | | | 8 | |
| MANOVIĆ | BLAŽO | | + | | | | Liberal i glasa na Cetinju |
| KOVIĆ | LJILJANA | + | | | | 13 | |
| MAEGR | SUNITA | | | | | | nema pravo glasa |
| ZEVIĆ | JOKO | + | | | | 13 | |
| BAR | MILKA | + | | | | 17 | |
| KOKAČIĆ | LJUBICA | + | | | | 10 | |
| KOKAČIĆ | ZORICA | + | | | | 15 | |
| STAJIĆ | LJILJANA | + | | | | 15 | |
| STOVIĆ | MIRA | + | | | | | nema je u obs |
| JAČA | IGORDANA | + | | | | 17 | |
| IC | RAVNO | + | | | | 9-a | |
| OVVIĆ | TATJANA | | + | | | | nema je u obs |
| SEVIĆ | OLIVERA | | + | | | 13 | |
| MANOVIĆ | MARINA | + | | | | 13-a | |
| IDIĆ | VELIZAR | + | | | | 13-a | potpisao liste podrške? |
| RIĆ | SELMA | | + | | | 15 | |
| ROVIĆ | MILICA | + | | | | 15 | |
| ŠILOVIĆ | TATJANA | + | | | | 18 | |
| NGOVIĆ | IVAN | + | | | | 7 | |
| STOVIĆ | TAMARA | + | | | | 10 | |
| KOVIĆ | KATARINA | | + | | | 7 | |
| ROVIĆ | DUBRAVKA | + | | | | 7 | SDP |
| KOVIĆ | NIVES | + | | | | 18 | |
| EŽIĆ | TONKA | + | | | | 15-a | |
| OVVIĆ | BORIVOJE | + | | | | | glasa na Cetinju |
| OVVIĆ | GORAN | + | | | | 14 | |
| IVODA | MARINA | + | | | | | glasa u Tivtu |
| KOVIĆ | MARINA | + | | | | | glasa u Tivtu |
| ŠILOVIĆ | RADOVAN | + | | | | 7 | SDP |
| KOVIĆ | KATIĆA | + | | | | 12 | |
| KOVIĆ | STANKA | + | | | | 18 | |
| OVVIĆ | VELJKO | | | | | | nema pravo glasa |
| JK | JOVAN | | | | | | |

A similar list was then published for the staff of the Post Office, the Secondary School “Danilo Kiš” and the Primary Health Care Centre in Budva.

The heads of the institutions mentioned denied the allegations by the SNP, and the Supreme State Prosecution, following the charges filed by MANS in connection with these cases, responded they forwarded it to competent basic prosecutors for further actions. There were no specific results of prosecutorial actions by the conclusion of this report.

A former DPS official, Ivo Đurišić, stated publicly that at the time when he was the director of the Primary Health Care Centre in Podgorica he was making a list of safe votes for the governing party. He pointed out such lists were made in order of exercising pressure over the staff in public institutions and state-owned companies, and that those who do not vote the governing party could lose their jobs because of that.

Case study 20: Private firms and T-shirts with party insignia

Two days before the elections, managements of private companies “Geneks” and “Bemaks” fired several workers for refusing to wear T-shirts with a Montenegrin coat-of-arms and the sign “Montenegro 11”. In the election list the governing coalition was placed under this number, and during the election campaign the “Bemaks” company gave several “donations” - to the state⁹⁴. Over the past two years both companies won major state tenders for infrastructure projects.

The owner of the “Geneks” company claimed that these did not constitute any “election or campaign-related actions”, but that these T-shirts were “part of the new uniform”. He declined to give comments to the media as regards the use of number 11.



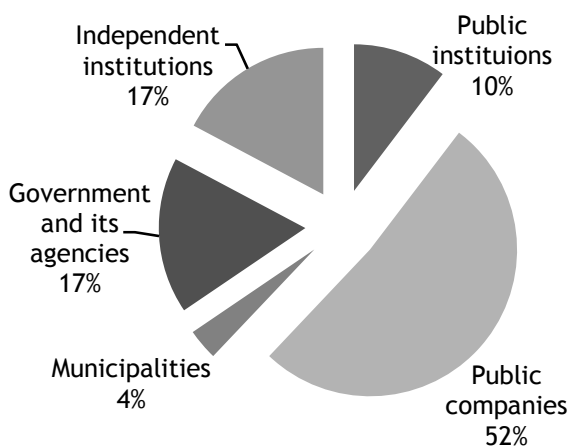
One of the workers said that the company managers asked him who he voted for and whether he was a member of DPS, and “when they heard I was not their member, they just said - out”.

⁹⁴ More details in Section Five: Private Donations

9. ADVERTISING

The issue of paid advertising during the election campaign was not so prominent, except in the case of the news portal "Analitika". Some institutions continued advertising pursuant to long-term agreements with the media, local radio stations most often, which were not put out of force for the duration of the election campaign.

The LPPF bans advertising of state and local level authorities, public companies, public institutions and state funds over the period between calling the elections and the end of the election day.



Graph 2: Institutions reported on the count of advertising

By monitoring the media and filing applications for information⁹⁵, MANS identified instances of violation and filed 36 reports and 20 additions to reports⁹⁶ concerning 29 institutions⁹⁷. Most reports concerned public companies, then the Government and its agencies, followed by independent institutions.

Some institutions were reported for being advertised as per monthly, quarterly or annual agreements with media outlets, for not cancelling them before the elections and for continuing to execute payments for such services⁹⁸.

Most institutions were reported for having advertising banners at the news portal "Analitika"⁹⁹.

It was also noted that several institutions were advertised in dailies, in particular in "Pobjeda" where the Government has a majority stake¹⁰⁰. There was also the example of one public company¹⁰¹ being advertised at the "Antena M" radio station.

⁹⁵ The institutions were approached asking for the following types of information: advertising contracts, payments to media houses and advertising and marketing plans, and the Ministry of Finance asking for statements of payments to media outlets from the treasury for all budget users between 01 January and 10 October 2012, to monitor trends.

⁹⁶ As of 18 October 2012.

⁹⁷ The total of 24 institutions were reported once, three twice, and two institutions as many as three times each.

⁹⁸ The reports covered: public company Water Supply and Sanitation Herceg Novi, the Electronic Media Agency, the Agency for Electronic Communications and Postal Services, Public Utilities Bar, the Construction and Development Agency Podgorica, the National Tourism Organisation and the Investment and Assets Agency Bar.

⁹⁹ The following institutions were reported on this count: the Ministry of Science, the Customs Administration, Crnogorska plovidba A.D., the MIST, the National Employment Office, Railway Transport A.D. Podgorica, the Insurance Supervision Agency, A.D. Plantaže 13. jul, A.D. Montecargo - Podgorica, the Environmental Protection Agency, the Securities Commission, the Airports of Montenegro, A.D. the Port of Bar, RTCG, A.D. Pobjeda, EPCG A.D. Nikšić, Morsko dobro, the Electronic Media Agency, the SME Development Directorate, and the Agency for Electronic Communications and Postal Services.

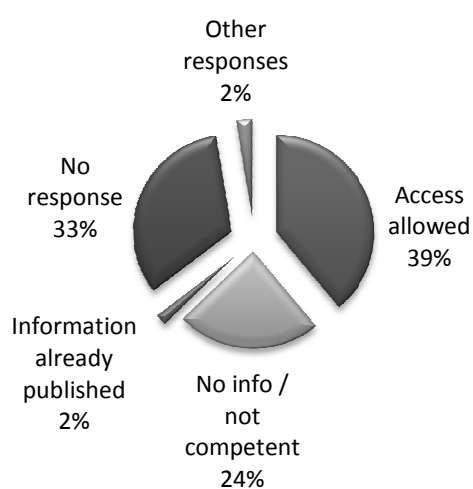
¹⁰⁰ The Ministry of Education and Sport, Markets and Farmer's Markets D.O.O. Podgorica, Local Council of Bijelo Polje, General Hospital Bijelo Polje and the National Employment Agency.

¹⁰¹ Morsko dobro

10. FREEDOM OF INFORMATION

Most institutions concealed the data on budget spending during the election campaign in direct contravention to the FAI Law; hence, in many cases we were unable to establish whether the taxpayers' money was used for political agendas.

Invoking the FAI Law, MANS filed over 1,800 applications requesting information indicative of whether any of the bans stipulated in the LPPF referring to budget spending, recruitment and advertising were violated. We also asked for information regarding to granting scholarships, loans, building permits and certificates of occupancy, and social benefits that are in excess of average amounts before the elections were called.



Graph 3: Responses as per all applications

The institutions responded as per 39% of applications, in 2% the information requested was already posted on the webpage, while for one in four applications they responded not to hold it or not to be competent. Although the principle of urgency underpins the FAI Law giving the 8-day deadline for responding, one in three applications remained ignored by institutions.

The applications were filed in two rounds; first, we asked for data for the six months preceding the calling of elections and for August 2012, as the first month of the election campaign¹⁰², then we asked for information from the beginning of September to the election day.

In the first round, institutions allowed access to less than a half of the total applications, or 42%, while mere 2% of the information requested was already posted on the web. In 28% they relinquished competence or claimed not to hold the information requested. One in four applications, or 26%, remained unanswered even two months after the original filing.

The applications from the second round remained mostly ignored (40%), even after the expiry of the deadlines stipulated in the FAI LAW. The institutions allowed access in mere 36% of the cases, and in 20% of the cases they renounced competence or claimed not to hold the information requested.

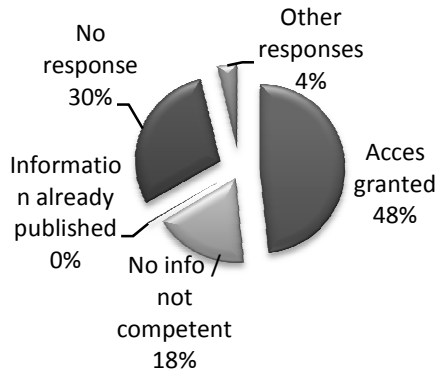
MANS lodged over 200 complaints with the Administrative Court on the count of non-compliance with the FAI Law, with ten judgments already pronounced, all in favour of public availability of the data.

MANS filed almost 350 applications requesting financial statements, or expenditures of major central and local level authorities. Every other application was responded to, but not all in the form usable for establishing possible noncompliance with budget spending rules¹⁰³. One in three such applications was ignored, and in 18% of the cases they claimed not to hold the information requested, although obliged by law to hold such information (Graph 4).

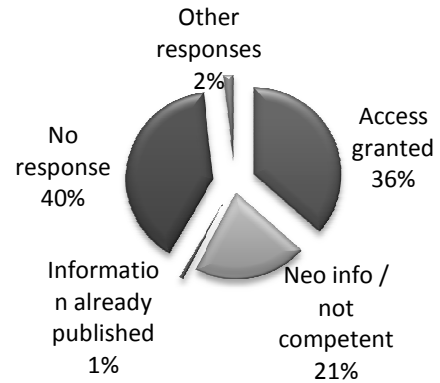
¹⁰² The election was called on 31 July 2012

¹⁰³ More details in Section Three: Budget Spending During the Election Campaign

We filed over 1000 applications requesting all job advertisements for definite-term contracts and the employment contracts concluded before and after the elections were called. We received data as per 36% of the applications, and the greatest number (40%) remained ignored (Graph 5).



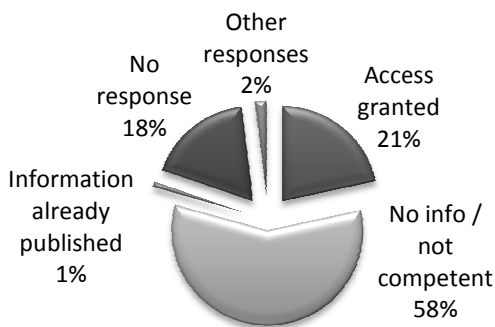
Graph 4: Responses per applications - budget spending



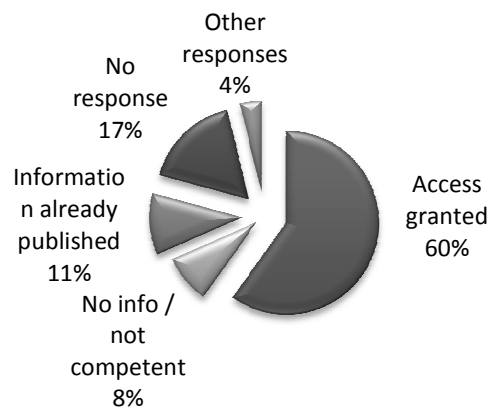
Graph 5: Responses per applications - recruitment

Examining the irregularities related to advertising during the election campaign, we filed over 200 applications requesting information. In more than half of the cases the institutions claimed not to hold the information requested, and only one in five applications were granted (Graph 6).

MANS attempted to get hold of the data on possible pressures and attempted bribery by requesting information referring to scholarships, loans, building permits and certificates of occupancy, and social benefits exceeding the average amounts as of the time before calling the elections. We filed 212 applications in total and received information in some 60% of the cases (Graph 7).



Graph 6: Responses per applications - advertising



Graph 7: Responses per applications - bribery

Annex 1: Budget spending during the election campaign

| No. | Institution | Data provision | Non-compliance ¹⁰⁴ |
|-----|---|---|-------------------------------|
| 1. | Ministry of Justice and Human Rights | Monthly | No |
| 2. | National Employment Agency | Monthly | No |
| 3. | Labour Fund | Monthly | No |
| 4. | Judicial Council | Monthly | No |
| 5. | Pension and Disability Insurance Fund | Monthly | No |
| 6. | President of Montenegro's General Secretariat | Monthly | No |
| 7. | Montenegrin Parliament | Monthly | No |
| 8. | Social Work Centre, Berane (responsible also for Andrijevica) | Monthly | No |
| 9. | Social Work Centre, Bar (responsible also for Ulcinj) | Monthly | No |
| 10. | Social Work Centre Plav | Monthly | No |
| 11. | Social Work Centre Rožaje | Monthly | No |
| 12. | Herceg-Novi Construction and Development Agency | Monthly | No |
| 13. | Nikšić Municipality (information provided by its Secretariat for Economy and Finance) | Monthly | No |
| 14. | Berane Municipality (information provided by its Secretariat for Finance and Economic Development) | Monthly | No |
| 15. | Plužine Municipality (information provided by its Local Administration Secretariat, Office for Economy, Finance and Entrepreneurship) | Monthly | Yes |
| 16. | Pljevlja Municipality (information provided by its Finance Secretariat) | Monthly | Yes |
| 17. | Tivat Municipality (the information provided by its Secretariat for Finance and Economic Development) | Monthly | Yes |
| 18. | Herceg-Novi Municipality (the information provided by its Secretariat for Finance and Economic Development) | Monthly | Yes |
| 19. | Directorate for Transport, Road Maintenance and Construction within the territory of Danilovgrad | Monthly | Yes |
| 20. | Secretariat for Entrepreneurship Development of the Capital City Podgorica | Monthly | Yes |
| 21. | Kotor Municipality (the information provided by its Secretariat for Finance and Economy) | Monthly | Yes |
| 22. | Žabljak Municipality (the information provided by its Secretariat for Economy, Finance, General Administration and Social Affairs) | Monthly | Yes |
| 23. | Municipality Rožaje (informaciju dostavio Sekretarijat za privredu i finansije Opštine Rožaje) | Monthly | Yes |
| 24. | Bijelo Polje Municipality (the information provided by its Secretariat for Entrepreneurship and Economic Development) | Monthly | Yes |
| 25. | Ministry of Interior | Monthly (incomparable since the Police Directorate was added in June) | Impossible to ascertain |
| 26. | Ministry of Defence | Summary data-incomparable | Impossible to ascertain |
| 27. | The Capital City Podgorica (the information provided by its Finance Secretariat) | Summary data-incomparable | Impossible to ascertain |

¹⁰⁴ The spending in August exceeding the previous 6 months average is regarded as non-compliance

| | | | |
|-----|--|--|-------------------------|
| 28. | Old Royal Capital Cetinje (the information provided by its Secretariat for Economy, Development and Finance) | Summary data-incomparable | Impossible to ascertain |
| 29. | Ulcinj Municipality (the information provided by its Secretariat for Economy and Economic Development) | Summary data-incomparable | Impossible to ascertain |
| 30. | Danilovgrad Municipality (the information provided by its Secretariat for Economy and Finance) | Summary data-incomparable | Impossible to ascertain |
| 31. | Municipality Bar (information provided by its Economy and Finance Secretariat) | Summary data-incomparable | Impossible to ascertain |
| 32. | Ministry of Economy | Summary data-incomparable | Impossible to ascertain |
| 33. | Ministry of Agriculture and Rural Development | Summary data-incomparable | Impossible to ascertain |
| 34. | Ministry of Health | Summary data-incomparable | Impossible to ascertain |
| 35. | Ministry for Minority Rights | Summary data-incomparable | Impossible to ascertain |
| 36. | Ministry of Science | Summary data-incomparable | Impossible to ascertain |
| 37. | Montenegro's Investment and Development Fund | Summary data-incomparable | Impossible to ascertain |
| 38. | Social Work Centre, Herceg Novi | Summary data-incomparable | Impossible to ascertain |
| 39. | Pljevlja Construction and Development Agency | Summary data-incomparable | Impossible to ascertain |
| 40. | Ministry of Foreign Affairs and EU Integration | Failed to provide information | Impossible to ascertain |
| 41. | Ministry of Finance | Failed to provide information | Impossible to ascertain |
| 42. | Ministry of Culture | Failed to provide information | Impossible to ascertain |
| 43. | Ministry for Information Society and Telecommunications | Failed to provide information | Impossible to ascertain |
| 44. | Prosecutorial Council | Failed to provide information | Impossible to ascertain |
| 45. | Social Work Centre, Podgorica (responsible also for Danilovgrad, Cetinje and Kolašin) | Failed to provide information | Impossible to ascertain |
| 46. | Social Work Centre Nikšić (responsible also for Šavnik and Plužine) | Failed to provide information | Impossible to ascertain |
| 47. | Social Work Centre Pljevlja (responsible also for Žabljak) | Failed to provide information | Impossible to ascertain |
| 48. | Bar Investment and Assets Agency | Failed to provide information | Impossible to ascertain |
| 49. | Public Works Directorate | Costs paid, but information not provided | Impossible to ascertain |
| 50. | Ministry of Labour and Social Welfare | Costs not paid | Impossible to ascertain |
| 51. | Ministry of education and Sport | Do not hold information | Impossible to ascertain |
| 52. | Montenegrin Government's General Secretariat | Do not hold information | Impossible to ascertain |
| 53. | Supreme Court | Do not hold information | Impossible to ascertain |

| | | | |
|-----|--|--|-------------------------|
| 54. | Montenegrin Government, Commission for Allocation of a share of Budgetary Reserves | Do not hold information | Impossible to ascertain |
| 55. | Social Work Centre, Bijelo Polje (responsible also for Mojkovac) | Do not hold information | Impossible to ascertain |
| 56. | Social Work Centre, Kotor (responsible also for Budva and Tivat) | Do not hold information | Impossible to ascertain |
| 57. | Podgorica/s Construction and Development Agency | Do not hold information | Impossible to ascertain |
| 58. | Ministry of Transport and Maritime Affairs | Do not hold information in the form requested | Impossible to ascertain |
| 59. | Ministry of Sustainable Development and Tourism | Do not hold information in the form requested | Impossible to ascertain |
| 60. | SME Development Directorate | Failed to provide data for July and August | Impossible to ascertain |
| 61. | Mojkovac Municipal Service for Agriculture, Roads and Water | Failed to provide data for July | Impossible to ascertain |
| 62. | Transport Directorate | Examination allowed for some information, the remainder will be mailed | Impossible to ascertain |
| 63. | Supreme State Prosecution | Direct examination granted | Impossible to ascertain |
| 64. | Berane's Investment and Construction Agency | Relinquished competence | Impossible to ascertain |
| 65. | Budva Municipality (the information provided by its Secretariat for Economy and Finance) | The Main account of the Treasury of Budva Municipality is blocked | Impossible to ascertain |

Annex 2: Job ads

| Type | Institution | No of announced vacancies |
|---|--|---------------------------|
| Government | Ministry of Interior | 7 |
| | Ministry of Foreign Affairs and EU Integration | 3 |
| | Ministry of Justice and Human Rights | 1 |
| | Ministry of Economy | 2 |
| | Ministry of Finance | 2 |
| | Ministry of Agriculture and Rural Development | 7 |
| | General Secretariat of the Government of Montenegro ¹⁰⁵ | 4 |
| | Customs Administration | 12 |
| | Tax Administration | 1 |
| | Inspection Administration | 4 |
| | Police Directorate ¹⁰⁶ | 2 |
| | Assets Administration | 1 |
| Public institutions | Public Preschool Ljubica Popović-Podgorica ¹⁰⁷ | 1 |
| | Public Primary School Vlado Milić | 1 |
| | Public General Secondary School Milo Dobrašinić ¹⁰⁸ | 1 |
| | Public Primary School Mustafa Pećanin-Rožaje ¹⁰⁹ | 1 |
| | Public Primary School Bać-Rožaje ¹¹⁰ | 1 |
| | Public Primary School Marko Miljanov-Bijelo Polje ¹¹¹ | 1 |
| | Public Primary School Budva | 1 |
| | Public Vocational School Rožaje | 1 |
| | Public Primary School Njegoš - Kotor | 1 |
| | University of Montenegro-Biotechnical Institute | 2 |
| | Public General Hospital - Bijelo Polje | 5 |
| | Public Music School - Budva | 1 |
| | Public institution Ratković's Poetry Nights | 1 |
| | Public Primary School Ivan Vušović - Nikšić | 1 |
| | Public Primary School Božidar Vuković Podgoričanin | 1 |
| | Public Primary School Mahmut Lekić Podgorica | 2 |
| | University of Montenegro-Faculty of Maritime Studies | 5 |
| | University of Montenegro-Faculty of Economy | 1 |
| | Centre for Ecotoxicological Testing | 1 |
| | Primary Health Care Boško Dedejić - Mojkovac ¹¹² | 1 |
| Institute for Hydrology and Seismology ¹¹³ | 6 | |
| Municipalities | Old Royal Capital Cetinje | 1 |
| | Budva Municipality | 1 |
| | Pljevlja Municipality | 3 |
| | Tivat Municipality | 2 |
| | Bijelo Polje Municipality | 1 |

¹⁰⁵ Announcement for two trainee posts

¹⁰⁶ Announcement for two trainee posts

¹⁰⁷ Announcement for a trainee post

¹⁰⁸ Announcement for a trainee post; The announcement was cancelled following the filing of charges

¹⁰⁹ The announcement was cancelled following the filing of charges

¹¹⁰ Announcement for a trainee post; The announcement was cancelled following the filing of charges

¹¹¹ Announcement for a trainee post; The announcement was cancelled following the filing of charges

¹¹² Announcement for a trainee post

¹¹³ Announcement for six trainee posts

| | | |
|--------------------------|--|------------|
| Public companies | Public Waterworks and Sanitation Company-Ulcinj ¹¹⁴ | 2 |
| | Public utilities -Cetinje | 5 |
| | Railway Infrastructure of Montenegro ¹¹⁵ | 5 |
| | Railway Transport of Montenegro | 2 |
| | Public utilities - Ulcinj ¹¹⁶ | 3 |
| | Public Parking Services - Herceg Novi | 2 |
| | Public Waterworks and Sanitation Company - Cetinje | 1 |
| | Ulcinj Construction and Development Agency ¹¹⁷ | 2 |
| Courts | Basic Court Bijelo Polje | 3 |
| | Basic Court Cetinje ¹¹⁸ | 1 |
| | Court of Appeals | 1 |
| Independent institutions | Commission for Prevention of Conflict of Interest ¹¹⁹ | 1 |
| | Audit Authority | 1 |
| | Environmental Protection Agency ¹²⁰ | 4 |
| Total | | 123 |

¹¹⁴ Announcement for a trainee post

¹¹⁵ Announcement for two trainee posts

¹¹⁶ Announcement for two trainee posts

¹¹⁷ Announcement for two trainee posts

¹¹⁸ Announcement for a trainee post

¹¹⁹ Announcement for a trainee post

¹²⁰ Announcement for a trainee post