

TABLE OF CONTENTS

INTRODUCTION	3
1.UNDEMOCRATIC ENVIRONMENT-CREATION OF ATMOSPHERE OF FEAR	
1.1. "COUP ATTEMPT"	5
1.1.2. THE SUPREME CONSTITUTIONAL AUTHORITY FOR THE DEFENSE AND SECURITY OF MONTENEGRO.....	6
1.1.3. ACTIVITIES OF THE POLICE DIRECTORATE OF THE MINISTRY OF INTERNAL AFFAIRS OF MONTENEGRO.....	8
1.1.4. ACTIVITIES OF THE SPECIAL PROSECUTOR.....	8
1.1.5. SUMMARY OF THE MOST IMPORTANT MEDIA ANNOUNCEMENTS.....	11
1.1.6. SUSPENDING „VIBER“ AND "WHATSAPP," THE MOST POPULAR INTERNET COMMUNICATION PLATFORMS IN MONTENEGRO, FALL DOWN SYSTEM OF BORDER CONTROL AND POLICE INTIMIDATION.....	14
1.1.7. REFLECTION "COUP" ON VOTER TURNOUT.....	15
1.2. CLOSURE "VIBER" and "WHATSApp" ON ELECTION DAY	17
1.3. OTHER DRASTIC EXAMPLES OF THE PRESSURE ON FREE WILL OF VOTERS	18
1.3.1. WORK DIARY OF THE PRESIDENT OF THE MUNICIPALITY GUSINJE AND HIGH OFFICIAL OF DPS.....	19
1.3.2. VIDEO MATERIAL AS EVIDENCE OF BUYING VOTES BY DPS IN THE MUNICIPALITY OF BAR.....	20
1.3.3. VIDEO MATERIAL AS EVIDENCE OF BUYING VOTES BY DPS IN THE MUNICIPALITY OF BIJELO POLJE	20
1.3.4. VIDEO MATERIAL AS EVIDENCE OF ELECTION ABUSES BY DPS IN THE MUNICIPALITY OF BUDVA.....	21
1.3.5. VIDEO MATERIAL AS EVIDENCE OF ELECTION ABUSES OF STATE RESOURCES IN THE MUNICIPALITY GUSINJE FOR THE PURPOSE OF OBTAINING VOTES FOR DPS.....	21
1.3.6. VOTES BUYING ON ELECTION DAY.....	21
1.3.7. DPS ORGANIZED TRANSFER OF PERSONS FROM THE OTHER COUNTRIES TO VOTE.....	22
1.3.8. ACTIVISTS OF DPS IN PODGORICA BRING VOTERS AND TELL THEM WHO TO VOTE FOR.....	22

1.3.9. ILLICIT PRESSURE OF DPS ACTIVISTS ON VOTERS NEAR TO THE POLLING STATIONS.....	23
1.3.10. BUYING THE IDENTITY CARDS.....	23
1.3.11. NO IMPLEMENTATION THE PROCEDURE OF THE SYSTEM FOR ELECTRONIC VOTER'S IDENTIFICATION IN THE ADMINISTRATION FOR THE ENFORCEMENT OF PENAL SANCTIONS.....	23
1.3.12. MISUSING OF THE STATE RESOURCES BY DPS IN ANDRIJEVICA.....	24
1.3.13. MISUSING OF THE STATE RESOURCES IN BERANE.....	24
1.3.14. IRREGULARITIES IN THE ELECTION PROCESS IN ANDRIJEVICA.....	24
1.3.15. MISUSE OF STATE RESOURCES BY DPS IN PETNJICA.....	25
1.3.16. PHYSICAL ATTACK BY DPS REPRESENTATIVE ON A MEMBER OF THE MAIN BOARD AND CANDIDATES OF DEMOCRATS FOR A MEMBER OF THE PARLIAMENT.....	25
1.3.17. PHYSICAL ATTACKS ON THE ACTIVIST OF KEY COALITION AND HIS SISTER BY DPS ACTIVIST.....	26
1.3.18. ASSAULT OF THE DPS REPRESENTATIVE ON FEMALE REPRESENTATIVE OF KEY COALITION AT THE POLLING STATION.....	26
2. VOTERS REGISTER.....	27
3. ELECTION ADMINISTRATION.....	28
3.1. IDENTIFYING VOTERS CONTRARY TO THE LAW.....	31
3.2. DISPUTABLE REGISTRATION OF CERTAIN ELECTORAL LISTS.....	31
4. WORK LAY OFF AS A FORM OF DPS PRESSURES TO THE PERSONS OF DIFFERENT POLITICAL VIEWS.....	32
5. CRIMINAL CHARGES.....	35
SUMMARY.....	36
FINAL EVALUATION.....	37

INTRODUCTION

Parliamentary elections in Montenegro, held on October 16, cannot be considered as free and fair. That is a reason why the opposition does not recognize its results. Instead of solving the political crisis in Montenegro, these elections have even more deepened it, creating further lack of trust and polarization of Montenegrin society.

Convinced that the election results do not provide a true view of the political mood of the citizens and therefore cannot contribute to the stabilization of political circumstances, representatives of the civic opposition (Key Coalition - Demos, SNP and URA, Democratic Montenegro and Social Democratic Party) have prepared the report on drastic pre-electoral and electoral abuses.

Besides the already known phenomenon related to bribing of voters, pressures, blackmails and spreading fear, which was more present than ever, this time Democratic Party of Socialists has resorted also to the maneuvers which was not believed to be possible to happen in a country which is nominally democratic, and in accession negotiations process for EU membership. Suspending means of communication in the Election Day and creating an atmosphere of the state emergency with the assistance of the police and prosecution, DPS has directly influenced the voting process of the citizens on the elections and affected the elections result by spreading fear, thereby, preventing certain win of the opposition.

Parliamentary elections were held in the day of proclamation of the alleged coup attempt, which fundamentally undermines the possibility of free expression of will of the citizens. The atmosphere of fear and enormous upset was made and a significant impact on the electoral will of the citizens and their free expression. After the release of information about the alleged coup attempt, which implied that a group of terrorists from Serbia should have arrested Prime Minister, the turnout in the elections suddenly decreased, which indisputably affected the final results of the election. Additionally to this fact, later over Podgorica and other bigger towns, police cars with sirens circled, then it is total clear that the task was to frighten citizens.

Members of the opposition and non-governmental organizations before and on the Election Day, have documented numerous irregularities, such as vote and identification cards buying, intimidation and pressure on citizens, as previously recorded, through an affair "Recording-Snimak" and in the reports of the European Commission.

On the elections on 16th October 2016, the free Montenegro lost. The case of "Dnevnik - Road map of DPS from Gusinje", as well as numerous other examples of electoral abuses and violation of rights documented in this report, clearly describes the environment in which the elections were conducted. Throughout Montenegro we have documented crowds at the checkpoints for payment, where the "freely expressed will" was paid by hundreds of thousands euros of problematic origin. Democratic public expects the reaction of the Prosecution authorities regarding these facts.

In order to cover up and forget huge life problems – 44.000 unemployed people, destroyed real economy, criminal sale of state resources, the collapse of public finances and the escalation of the conflict among omnipresent crime and drug clans, a psychosis of judgment day, emergency state and threatened country was created.

The civic opposition expects firm evidences of terrorist and criminal activities to be exposed to the public as soon as possible, without any mystification, manipulations and half-truths. Democratic public must know who the perpetrators were, but first of all who ordered, and whether some political structures have been associated with the alleged coup attempt. Otherwise, those who were disturbing public by such performances and information should take the responsibility.

The scandalous decision of the Agency for Electronic Media to suspend the internet services Viber and WhatsApp, based on Party's order, casts further shadow on the regularity of the elections.

Constitution of Montenegro is violated by such unilateral decision, since it stipulates that freedom of expression and human rights and freedoms may be limited only by the law. It is clear that the atmosphere of fear and the state of emergency were being spread in this way too.

The deep political crisis, increased tensions between the representatives of the opposition and position, and a strong political influence of DPS, have led to the politically motivated and unlawful treatment of the State Election Commission, as well as to the lack of transparency in its work, which was marked by the verbal and even physical conflicts. The Commission did not provide a lawful exercise of the electoral process and the uniform implementation of the law.

According to Agency for prevention of corruption Report, in the period of pre-electoral campaign, there were decisions on employment of 1541 employees in many state institutions both at state and local level, public funds, public state companies and other state owned organizations. In the process of inspection, Agency noted irregularities in 272 employment cases, which fact bring us to conclusion that famous pattern "1 employee means 4 votes", exercised in Recording-Snimak affair 4 years ago, was in place in this election process too.

Having all this in mind, as well as the problematic Voter Register Book, unambiguous conclusion is that the Democratic Party of Socialists was prepared for all kinds of actions, even for fabrication of the state of emergency to try to maintain the power. It puts Montenegro into a dangerous zone of instability and uncertainty of what DPS and all its accomplices are responsible.

As a contribution to free elections, which are preconditions for a peaceful transition of power, part of the opposition on 27th April 2016, signed an Agreement with the ruling parties on free and fair elections. The Agreement has provided specific participation of some opposition parties in the Government of electoral trust and control functions in the state administration and public services, in order to prevent misuse of state resources supporting DPS in the election campaign in a manner that is documented in the affair "Recording-Snimak" and mentioned many

times in European Commission reports. Strong obstructions the opposition representatives in the Government of electoral trust were faced with, demonstrated lack of willingness of DPS to allow the free expression of citizens on the elections on 16th October. It indicated that DPS would continue to encourage unequal electoral game with all the elements of the privatization of state administration bodies for purposes of DPS.

1.UNDEMOCRATIC ENVIRONMENT-CREATION OF ATMOSPHERE OF FEAR

1.1. "COUP ATTEMPT"

Besides the established methods of buying votes, proven in the affair "Recording-Snimak" and followed by court verdicts against activists of DPS, as well as various forms of pressures and blackmails, on the Parliamentary elections held on 16th October, we had a step further. State authorities and the media controlled by DPS produced an atmosphere of emergency because of the alleged threat of terrorists and armed conflict. This has influenced the voter's will, in a way that a number of the citizens were frightened to turn out to the polls, while the others, despite the original intention, in such atmosphere made the decision not to support the opposition.

Parliamentary elections for the 26. Convocation of the Parliament of Montenegro on 16th October 2016, were held in an atmosphere of threatening terrorist attacks on the Parliament of Montenegro and the Prime Minister by several terrorist groups, of which one consisting of 20 members was arrested.

Press releases about these events given by Police Directorate and State Prosecutor's Office were broadcasted by all electronic media in Montenegro, some of them even before that, from the very first hours of the election day, informing the public about the "coup attempt". Everything was followed by continuous police sirens howling in Podgorica and the towns of the north, where the most population are members of minorities.

This is an unprecedented case in the 57 OSCE member states that elections are taking place during the proclaimed state coup and attacks of a number of terrorist groups on the Parliament and the Prime Minister.

1.1.1. THE CONSTITUTIONAL PROVISIONS ON THE RIGHT OF CITIZENS TO FREE CHOICE

The Constitution of Montenegro, Article 2

“Bearer of sovereignty is the citizen with Montenegrin citizenship. The citizen shall exercise power directly and through the freely elected representatives. The power that is not stemming from the freely expressed will of the citizens in the democratic elections, in accordance with the law, shall not be established nor recognized.”

Comment:

The Constitutional regulation **directly obliges** that **"The power that is not stemming from the freely expressed will of the citizens in the democratic elections, in accordance with the law, shall not be established nor recognized."**

By definition of all relevant international associations, there cannot be free elections when we have a threats of a terrorist attacks on the Parliament and the Prime Minister – factual situation of the coup attempt, announced by the Police Directorate and the Prosecutor's Office. It disables the freedom of vote in any country, thus, an attempt to avoid this fact demolishes the elementary seriousness of each review on the elections in Montenegro.

1.1.2. THE SUPREME CONSTITUTIONAL AUTHORITY FOR DEFENSE AND SECURITY OF MONTENEGRO

The Constitution of Montenegro, Article 130, items 1 and 2

The Defense and Security Council shall:

1) Adopt decisions regarding the command over the Army; 2) Analyze and assess the security situation in Montenegro and decide to take adequate measures;

1) The Council for Defence and Security - the highest body for defense and security, which consists of the President of Montenegro, Speaker of the Parliament of Montenegro and President of the Government of Montenegro was not informed, nor met, although the public was informed by the Police and the Special State Prosecutor that the attack of terrorist groups on the Prime Minister and Parliament of Montenegro was in course. No political body stood behind assessment about a terrorist attack on the legislative and executive power.

- Prime Minister Milo Đukanovic, during the voting at 11:45a.m. says that " he found out from media about the case and would not comment it."

- **Prime Minister Milo Đukanovic** said on November 7 : "I was listening the Prosecutor and turned out to be true what we suspected. Now it is completing, we have the evidences and conditions are made to hand up the indictment. All of this happened because of politics, and all has been done in collusion with the political factor in Montenegro. I do not believe that someone outside the political space of Montenegro and outside of the political actors in Montenegro was planning how to help them to take the power. "

-**The President of Montenegro Filip Vujanovic** on election day said "he would not comment the case of depriving of liberty of citizens of Serbia."

-President of Montenegro on October 21, however, said: "I did not consider that I should say what the Director of the Police or Special Prosecutor would say. I perform the duty of the President and this information I have, naturally, from the moment of deprivation of liberty of these persons, so that I was among those who were informed, it is natural to be informed, but not natural to say something just before and on behalf of the Prosecutor." "

"It's not like the Prosecutor said only God's help, although God helped , but also those who

thought that they should help our society and country not to turn into anarchic and chaotic situation turning us in black, **which would be after World War II the most tragic time of Montenegro.**
"

Comment:

Despite these publicly expressed attitudes both the President of Montenegro and the Prime Minister did not hold the session of the Council for Defense and Security or the session of the Government of Montenegro where, based on the facts, appropriate decisions by the Constitutional obligation to defend the Constitutional order would be adopted.

2) The Government of Montenegro even after 30 days after the "coup" on Election Day, did not consider this fact on any of its sessions, fulfilling in that way its primary responsibility to defend the Constitution of Montenegro.

-Minister of Defence Milica Pejanović Đurišić, according to her statement, was not informed by any document until this day, that there was the incursion and attack of several terrorist groups from abroad to the territorial integrity of Montenegro and its legislative and executive power. After a meeting of defense ministers of NATO countries in Brussels on 27th October, she said:

"In this regard, the Army of Montenegro and the Ministry of Defense of Montenegro, did not have any information on this topic (the subject of "coup" on 16.10.2016)."

-Minister of Internal Affairs Goran Danilović on 16.10.2016, just on the day of the "coup" and deprivation of freedom of suspected terrorists, said:

"I have not received any information. But I am worried if twenty people entered the country to cause a chaos on the Election Day. I have asked for a meeting with the Director of the Police, but I received a response that he is in the ground".

He also said that "just yesterday happened to fall down video system which registers at the border who enters the country."

He invited the leaders of political parties, not to call citizens to gather on the streets of Podgorica after the voting, for the safety reason. He said also, that he was informed about the arrest on 16th of October from the Special Prosecutor, not officially by the Director of Police, who is subordinated to him."

Comment:

There is no one particular body of elected constitutional government in line with the Constitution, neither the Council for Defense and Security, nor the Government of Montenegro, which acted in compliance with the Constitution of Montenegro in the evaluation and decision-making related to the armed threat and attempt to occupy the premises of the Parliament and the murder of the Prime Minister. The only authorities who have stated were the Director of Police and the Special Prosecutor.

1.1.3. ACTIVITIES OF THE POLICE DIRECTORATE OF THE MINISTRY OF INTERNAL AFFAIRS OF MONTENEGRO

Minister of the interior, Goran Danilović - was not informed during any phases, about the attitudes and activities of the Police Directorate which are presented to the public.

-Director of the Police, Slavko Stojanović, on 13 October 2016. (3 days prior to the Parliamentary elections), after the meeting in the Police training camp in Zlatica said, that the police had "operational information that on election day there may be an attempt of provoking disorders and possible escalation, and if it happens, there will be an efficient and energetic response".

Comment:

No other state authority has not been officially informed about it (Prime Minister, Interior Minister, Minister of Defence).

- Director of the Police, Slavko Stojanović, at a press conference held **on 16 October, the day of Parliamentary elections at 13:39 states:**

"It is true that the officers of the Police Directorate during the last night, in cooperation with the Agency for National Security, and in coordination and by order of the Special Prosecutor's Office, acting according to police operational information and intelligence possession, deprived of liberty twenty persons, citizens of Serbia, while we are searching for one person who is also a citizen of Serbia. **As it is suspected they have entered Montenegro and had intention first to take automatic weapons and then in the evening to conduct attacks against institutions . "**

Comment:

This factual announcing of "coup" by the Director of Police was followed by continuous police sirens howling in the Capital and in many cities in the north, as a form of intimidation of citizens.

1.1.4. THE ACTIVITIES OF THE SPECIAL PROSECUTOR

Special Prosecutor, Milorad Katnić, on election day at 2:30p.m., issued the following press release:

Upon the order of the Special State Prosecutor's Office, officers of the Special Police Division and the Police Directorate during the night deprived of liberty twenty persons, citizens of the Republic of Serbia, for whom there are grounds for suspicion that they committed the criminal offences of creation of a criminal organization in concurrence with the criminal offence of terrorism.

It is reasonably suspected that at the beginning of October a criminal organization was set up in Serbia and Montenegro, with the aim of influencing the legislative and executive authorities in Montenegro. It is suspected that the plan of this organization **was to attack, using firearms, citizens gathered in front of the Parliament of Montenegro, as well as police officers, at the**

moment of announcing final election results, and then to occupy the premises of the Parliament aiming at declaring the electoral victory of specific political parties. It is also suspected that the organization's criminal plan was to deprive the Prime Minister of Montenegro of liberty. With the aim of carrying out the stated plan, the organizer of the group, B.D., came to Montenegro in the early morning hours intending to further carry out the criminal plan and command the armed persons with the final goal of occupying the Parliament of Montenegro and other state institutions. Upon the given instructions and criminal plan, the suspects came to Podgorica by their private cars where, in order to continue carrying out the plan, they divided into at least 3 groups. Members of the criminal organization were given the instructions to distribute the weapons prepared in advance for the purpose of further realization of the criminal plan.

Upon the order of the Special State Prosecutor's Office, officers of the Special Police Division and the Police Directorate deprived of liberty the organizer and the members of this criminal organization at the time when they were about to check hidden warehouse prepared in advance and the weapons and ammunition delivered. During the procedure, it was found that apart from the persons arrested, the criminal organization consisted of the persons whose identification and deprivation of liberty are intensively underway.

On 20th October 2016, the Chief Special Prosecutor, Milivoje Katnić in political talk show "NAČISTO" TV "Vijesti", stated that "Serbian citizens, suspected of terrorism and creation of a criminal organization, had intentions, under masks of the Montenegrin Police, to shoot at citizens." In the mentioned political talk show, he presented some details which are contradictory and illogical, so it must imposed the following questions: Why in the first press release he stated that terrorists have "in advance prepared weapons", but in the show on TV Vijesti he stated that the weapons have been destroyed out of Montenegro? Who destroyed the weapons and where the weapons were situated? If there was no cooperation with the services of that specific country where the weapons were destroyed, have the Montenegrin state authorities threatened the territorial sovereignty of a neighboring country or countries?

At the Press conference, on 6th November.2016. , the Chief Special Prosecutor stated the following: "Organizers of the criminal group are nationalists from Russia. They created a criminal organization to carry out the criminal act of terrorism on 16th October at 11 p.m.

In this regard two persons from nationalist structures of Russia called a specific person accused in this criminal case, presented him/her a plan and asked him/her to carry it out through the engagement of higher number of people who would take part in the commission of this terrorist act following strictly defined rules and tasks." On the reporter question, where the two suspects Russians are now, Katnić answered:

"The Special Prosecution of the Republic of Serbia had these persons under its control. These persons are no longer on the territory of Serbia. BIA (Serbian security agency) controlled them, but it cannot be used as evidence, nor they were able to deprive them of liberty. Whether they are located in Russia or somewhere else, I do not know. "

Comment:

Is it realistic that the Prime Minister was not informed with the scenario of his arresting or deprivation of life and that, despite the "plan to find good shooter to liquidate the Prime Minister", he has gone to vote in the Election Day without any additional security measures?

The Special Prosecutor said that the plan was to arrive 500 persons with 50 pieces of automatic guns. If already, according to the statement of the Special Prosecutor, since September, the activities of terrorist and criminal groups have been followed, and if the dimensions of the terrorist threat were to arrive 500 persons in Montenegro who have accepted to be members of the group for criminal and terrorist acting, and who were monitored in cooperation with the Intelligence Agency-ANB, is it possible that the Prime Minister, Minister of Interior and Minister of Defense do not know anything about it, but have been informed through the DPS close Television "Pink M" on Sunday 16th October?

After a month from the day of the critical event, public is still expecting an answer to the question: what happened to the 500 people, who, in line with the words of the Chief Special Prosecutor, were members of a group for criminal and terrorist acts, as well as 50 well trained terrorists, when we have a situation that only three persons were ordered detention for the criminal offence of terrorism, and two persons who are located in Russia?

How is it possible that the ANB has been involved in everything, and that the Prime Minister allegedly was informed from the media?

It has been said that Serbia and Montenegro have managed luckily to prevent 50 automatic weapons and ammunition from entering to Montenegro. How it is possible that Serbian Prime Minister of the Republic of Serbia and the Prime Minister of Montenegro knew nothing about it on 16th October?

Two Russian nationalists were allegedly the organizers and have allegedly acted on the territory of the Republic of Serbia and they were controlled by the secret police of the Republic of Serbia (BIA). The question is imposed: What has been done to arrest them and extradite them to Montenegro? How it is possible that the Prime Ministers of two countries have not been informed about the activities of their intelligence services?

We point out that the Law on the National Security Agency of Montenegro (article 6, paragraph 4 and 5), stipulates that the Agency, collected data related to the activity of members of a criminal organization and preparation of terrorist acts, shall report to the President of Montenegro, the President of the Government of Montenegro, the Speaker of Parliament, to the Defense and Security Council of Montenegro, to the Ministry of Defense and to the Chief of Staff of the Army of Montenegro.

1.1.5. SUMMARY OF THE MOST IMPORTANT MEDIA ANNOUNCEMENTS

The deprivation of liberty of the group, "which has prepared to occupy the Parliament of Montenegro and deprive of liberty of Prime Minister Milo Djukanovic", was announced on **TV "Pink M" - on the day of parliamentary elections, at 8:30 pm (within the first hour of choice) on Sunday, 16th October.**

Announcements about the attack on the Prime Minister and the Parliament of Montenegro were broadcasted every hour during the whole day at regular times of informative program of this television.

Comment:

Pink TV is a media dating from the war years of the 90's of the last century, founded by the former regime in Serbia.

According to the words of adviser to Prime Minister of Montenegro, Milo Đukanovic, Vladimir Popovic, from June 2014, that he said in an interview in the political show "Utisak nedelje", on TV B92, TV Pink today is under Djukanovic's control. Besides TV Pink, media which openly supports the DPS is the daily newspaper Informer, which was sentenced because of the articles offending the reputation of the people, minorities and other minority communities. The same media has been recognized by the most brutal attacks and a set up articles against major non-governmental organizations in Montenegro. Informer writings are mentioned in the European Parliament resolutions, as well as in declarations of the Parliamentary Committee on Stabilization and Association of Montenegro and the EU.

Prime Minister Milo Đukanović, during the voting at 11:45 says that " he found out from medias about the case and would not comment it."

The President of Montenegro Filip Vujanović on election day said "he would not comment the case of depriving of liberty of citizens of Serbia."

Special Prosecutor, Milorad Katnić, on election day at 2:30 p.m., issues the following press release:

Upon the order of the Special Prosecutor's Office officers of the Special Police Division and the Police Directorate during the night deprived of liberty twenty persons, citizens of the Republic of Serbia, for whom there are grounds for suspicion that they committed the criminal offences of creation of a criminal organization in concurrence with the criminal offence of terrorism.

It is reasonably suspected that at the beginning of October a criminal organization was set up in Serbia and Montenegro, with the aim of influencing the legislative and executive authorities in Montenegro. It is suspected that the plan of this organization **was to attack, using firearms, citizens gathered in front of the Parliament of Montenegro, as well as police officers, at the**

moment of announcing final election results, and then to occupy the premises of the Parliament aiming at declaring the electoral victory of specific political parties. It is also suspected that the organization's criminal plan was to deprive the Prime Minister of Montenegro of liberty. With the aim of carrying out the stated plan, the organizer of the group, B.D., came to Montenegro in the early morning hours intending to further carry out the criminal plan and command the armed persons with the final goal of occupying the Parliament of Montenegro and other state institutions. Upon the given instructions and criminal plan, the suspects came to Podgorica by their private cars where, in order to continue carrying out the plan, they divided into at least 3 groups. Members of the criminal organization were given the instructions to distribute the weapons prepared in advance for the purpose of further realization of the criminal plan.

Upon the order of the Special Prosecutor's Office, officers of the Special Police Division and the Police Directorate deprived of liberty the organizer and the members of this criminal organization at the time when they were about to check hidden warehouse prepared in advance and the weapons and ammunition delivered. During the procedure, it was found that apart from the persons arrested, the criminal organization consisted of the persons whose identification and deprivation of liberty are intensively underway.

The Chief Special Prosecutor, in the most watched political talk show on TV "Vijesti", 20th October, stated that "**Citizens of the Republic of Serbia suspected of terrorism and creation of a criminal organization, had intentions that under masks of the Montenegrin Police, to shoot at citizens**", sending a message, it is prevented that Montenegro be shrouded in black. In this political talk show, he presented some details which are contradictory and illogical:

In the first statement of the Special Prosecutor's Office on 16th October 2016, he stated that the arrested persons had intention to declare the electoral victory of specific political parties and that **the plan of the criminal organization was to deprive of liberty of the Prime Minister of Montenegro**. In the interview from 20th October 2016. Prosecutor Katnić said, he did not know who the politicians were who should have ordered a terrorist attack on Sunday evening.

Allegations of Special Prosecutor's Office about deprivation of liberty of the Prime Minister by terrorists and declaring election victory, refer that on the Election Day the opposition, or part of the opposition was directly accused for the "coup attempt". This undoubtedly affected the electoral will of the citizens and free expression of their will on elections.

-Minister of Internal Affairs Goran Danilović on 16.10.2016, just on the day of the "coup" and the deprivation of liberty of suspected terrorists, said:

"I have not received any information. But I'm worried if twenty people entered the country to cause chaos on Election Day. I have asked for a meeting with the Director of the Police, but I received a response that he is in the ground".

He also said that on 15th October 2016 happened to fall video system which registers at the border who enters the country."

He invited the leaders of political parties, do not call citizens to gather on the streets of Podgorica after the voting, for the safety reason. He said also, that he was informed about the arrest on 16.10. from the Special Prosecutor, not officially by the Director of Police, who is subordinate to him."

Director of the Police, Slavko Stojanović, at a press conference held on **16 October, the day of Parliamentary elections, at 13:39 states:**

"It is true that the officers of the Police Directorate during the last night, in cooperation with the Agency for National Security, and in coordination and by order of the Special Prosecutor's Office, acting according to police operational information and intelligence possession, deprived of liberty twenty persons, citizens of Serbia, while we are searching for one person who is also a citizen of Serbia. **As it is suspected they have entered Montenegro having intention first to take automatic weapons and then in the evening to conduct attacks against institutions . "**

Montenegrin and the Littoral Mitropolit, Amfilohije Radović, 16th October 2016 at 7:00 pm, urged the citizens of Montenegro, not to gather during that night in front of Montenegrin institutions: "I take this opportunity to invite all of us that at this moment gather only around polling stations, and not to be any gatherings before the final results. It is not good at this crucial historical moment that anything occurs – and should not be a single shed tears, or let alone drop of blood. "

Prime Minister of the Republic of Serbia, Aleksandar Vucić, on election day 16.10.2016. in Vranjska Banja, stated that he had no information on the alleged deprivation of liberty of paramilitary criminal groups in Montenegro, which, as reported, led by the former head of Serbian Gendarmerie Bratislav Dikic.

"We do not have any information about it, the Minister of Interior informed me. This is a man who is a pensioner. It is a strange day on which it is happening. "

Prime Minister of Serbia, Aleksandar Vucić, at the long expected press conference on 24th October, presented the following information:

"Certain people, **but they are not persons who have been deprived of liberty in Montenegro**, followed the trajectory of the Prime Minister of Montenegro from day to day, minute to minute, and informed the others persons about it."

"Some persons are detained in Belgrade and they are under our control," the Prime minister said, explaining that they operate with people for whom it can be said that there is a foreign element.

He also stated that he did not say "foreign agencies". He added that among the evidence in relation to the activities planned in Montenegro there are the photos, recordings, uniforms, direct recognition and confiscated money in the amount of 125.000 euros. "

"The good news is that in all things we did not find involvement of any politician from Serbia, nor from Montenegro", said the Prime Minister of Serbia.

He also said that persons, deprived of liberty prior of the parliamentary elections, including the former commander of the Serbian Gendarmerie Bratislav Dikic, were not related to the case, and the state authorities in Podgorica should determine their potential responsibility.

"You remember that I said just after arresting, that this „bašibozuk“ (*the word originates from the Turkish language. Its meaning is „a soldier of irregular army“/“without leader“, but commonly it means persons without any ability*) could not do it, but there is who could," said Vucić, adding: "You know who I am talking about."

Comment:

It is interesting that the Serbian Prime minister on 16.10.2016. had no any information about the case "coup", while only a week later he presents a series of data, and at the same time he announces that arrested persons in Montenegro have nothing with the case and that any of the politicians is not involved in this. All this is contradictory with the assessment of the Special Public Prosecutor on the day of the deprivation of liberty and election day 16.10.2016. when the suspects are connected to the opposition or a part of the opposition, what influenced the election process, the relation to the opposition and the free expression of citizens will.

1.1.6. SUSPENDING „VIBER“ AND "WHATSAPP" THE MOST POPULAR INTERNET SERVICES FOR COMMUNICATION IN MONTENEGRO, FALL DOWN SYSTEM OF BORDER CONTROL AND POLICE INTIMIDATION

On the election day, in the period between 05pm-7:30pm, the Agency for Electronic Media and Postal Services has suspended Viber and WhatsApp applications, and without any valid basis, prevented communication during the election day, by which the opposition exchanged information on the numerous examples of election irregularities.

Therefore, the Social Democratic Party has filed criminal charges against the chairpersons of the Agency, stating that in this way they were brutally abused by DPS on the very election day. The Special Prosecutor's Office, although this is emergency procedure, have not yet any estimation related to this occasion. The Head of Mission of OSCE/ODIHR EOM, **Roman Jakič** and some embassies, have been informed about this matter.

This is an unprecedented case in the 57 OSCE member states.

Minister of Internal Affairs Goran Danilović said on the Election Day that” just yesterday happened to fall dawn video system which registers at the border who enters the country”.

At the same time, with disturbing publication of electronic media, the police sirens, as a

form of intimidation, during the entire Election Day were howling in Podgorica and towns in northern of Montenegro dominantly inhabited by minorities.

1.1.7. REFLECTION OF "COUP" ON VOTER TURNOUT

Figures of the turnout on the election day:

- 1 p.m- voter turnout at the level of Montenegro was 39.9%;
- 3p.m- voter turnout at the national level was 48.3%;
- 5 p.m- voter turnout at the national level was 61.2%;
- 7 p.m- voter turnout at the national level was 71.6%;
- 8 p.m- final voter turnout at the national level was 73.4%.

From these figures, it is obvious that the voter turnout after 3 p.m. significantly, decreased, especially in the last hour of the election.

In the last hour of the Election Day only 1.8% of the voters used their right to vote, which is the lowest turnout of voters in the period since the introduction of the multiparty system in Montenegro.

Obviously, there was a decrease in voter turnout for 4 - 5 percentage points in compared to the turnout tendency until 3 p.m., and the only logical explanation for this is the feeling of fear and unsafe of citizens, because the information on the "preparation of terrorist acts, the deprivation of liberty of the Prime Minister and the occupation of the premises of the Parliament of Montenegro, all medias broadcasted under the mark "urgent", and some of them constantly kept it in the ether.

The presented data on decreasing voter turnout in particular must be taken into account when we have in mind the fact that the relationship between the majority and minority in the elections on 16th October was decided by less than 1% of the total number of voters who voted.

SUMMARY:

- Since the elections until today, in accordance with the basic commitments and regulations of the Constitution of Montenegro, the session of the **Government of Montenegro, the session of the Defense and Security Council, as the highest Constitutional body which deals with the security of the country or session of the National Security Council**, was not held on this subject, or any official meeting discussed regarding to the security situation in Montenegro, in the procedure which the coup attempt necessarily requires.

- Chief Special Prosecutor claimed that the action against terrorists who were preparing a coup attempt, had been carried out from September, but the Prime Minister, Minister of Interior, Minister of Defense, members of the Defense and Security Council , National Council for Defense and Security, as well as NATO partners, had not been informed about this case.

* Montenegro, whose Minister of Defense participated in meetings of NATO, as a country invited to become a member of **this Military Alliance, had not informed NATO** or NOS (NATO Office of Security) on the terrorist attack and the "coup attempt" in its territory.

- No embassy, on the night before Election Day, did not issue press release warning its citizens that anything prepares what could jeopardize its safety and security, while the happenings described in the press releases of the competent authorities were such that they could cause a "bloodshed" upon the statement of the President of the State and the Special Prosecutor.

- Montenegrin opposition, the day after the elections, presented its opinion that they will not recognize the results of Parliamentary elections, stating the following reasons for this:

"The parliamentary elections 16th October were held in the day of announcement of "coup attempt", which fundamentally undermines the possibility of free expression of will of citizens. An atmosphere of fear and enormous concerns was created, which significantly influenced the electoral will of the citizens and their free voting expression.

In the countries of pluralist democracy, it is unprecedented that elections are held during announced "coup attempt" and suspension of applications for electronic communication Viber and WhatsApp, in order to prevent the opposition to distribute evidences of abuses.

Under the guise of intimidation of the "coup", a numerous irregularities were organized prior and at the Election Day, including votes buying, the purchase of identification cards, the pressures on the citizens, and the suspension of means of communication. The main targets of these undemocratic methods and numerous irregularities directed by DPS, were the opposition parties and parties of ethnic minorities. "

We remind that the DPS campaign for Parliamentary elections was specifically focused on the "defense of the country" in which all their opponents from the opposition were named as the opponents of the state. Also in their public appearances and statements they predicted possibility of an attack on the institutions of the system.

Milo Đukanović, to the election rally of DPS in Nikšić, October 10th , said:

"In these elections," he noted, " the citizens once again decide whether to continue to have their own state and being in their own homeland. As much as these traditional political losers and the traditional mercenaries make noise, seed a hate, threaten, bribing as long as they cover up, there is no more any single voter in Montenegro, to whom it is not clear that we on October 16th **vote to preserve a state or be a traitor of the country.** "

The contradiction of information given by the representatives of certain state institutions, with many open questions and dilemmas imposed on the occasion of "the coup of 2016", as well as the shock effect that followed and manifested itself in a drastic decreasing of voter's turnout in the last hours of the election day, makes the reasons for the serious doubts that the described event was engineered or at least, over-dimensioned in order to achieve the political goals of the Democratic Party of Socialists - reduction trend of the voter's turnout and keep close those voters who were no longer ready to vote for them.

1.2. CLOSURE "VIBER" AND "WHATSAPP" ON THE ELECTION DAY

On the Election Day 16th October 2016. took place another unimaginable unprecedented case in democratic countries.

National Agency for Electronic Communications and Postal Services (EKIP) has ordered to all telecommunication operators in Montenegro, to exclude the possibility of using the application "Viber", "WhatsApp" and other similar services, with the explanation that they are used during the day for undesirable communication with users.

At 5 p.m. to all citizens - users of telecommunications services who have found themselves in the territory of Montenegro the applications "Viber" and "WhatsApp" were suspended without prior information and warning as well as without notice about lasting time of this unconstitutional measure.

President of SDP, Ranko Krivokapić immediately informed The Head of Mission of OSCE/ODIHR EOM in Montenegro, Roman Jakič and some embassies about this undemocratic measure, taken to spread an atmosphere of fear among citizens and the violation of their human rights and freedoms proclaimed by the Constitution of Montenegro and international documents. On the same occasion, president of Democratic Montenegro Aleksa Bečić sent a letter to the Head of the election observation mission of the OSCE/ ODIHR in Montenegro, Roman Jakič (**APPENDIX 1: Letter of Democrats to Roman Jakič; appendix is in the archive of the authors of this Report**). Also, all opposition parties, by the remaining free communication services, such as their facebook pages, twitter, etc., have tried to explain the voters that it is an unconstitutional measure of EKIP-a and not to let it influence to exercising of suffrage and freedom of political affiliation.

Termination possibilities of using the listed applications lasted for a period 05 p.m.-07:30 p.m.

By such an unilateral decision of the Executive Director mentioned Agency, Zoran Sekulić, the Constitution of Montenegro has been violated and the freedom of expression regulated by Article 46 in conjunction with article 24 of the Constitution, which stipulates: “ Everyone shall have the right to freedom of expression by speech, writing, picture or in some other manner. The right to freedom of expression may be limited only by the right of others to dignity, reputation and honor and if it threatens public morality or the security of Montenegro”, there are the conditions which in this particular case were not met. By adoption of this decision in during the course of electoral process, the Article 24 of the Constitution of Montenegro is also violated. It stipulates: “Guaranteed human rights and freedoms may be limited only by the law, within the scope permitted by the Constitution, to the extent necessary in an open and democratic society in order to satisfy the purpose for which the limitation has been permitted. Limitations shall not be introduced for purposes other than the ones for which they were prescribed”. It is evident that is a political decision in order to protect the ruling party, by which the competences and jurisdiction of the Law on Electronic Communications were misused and exceeded.

Furthermore, by Article 45 of the Constitution of Montenegro stipulates that elections shall be free, but with the adoption of such a decision, the rights of citizens guaranteed by the Constitution has been violated, because, without any valid reason, the means of regular communication of

Montenegrin citizens were suspended and on this way it was tried to spread an atmosphere of fear among voters and state emergency, and that the ruling party previously by pro-regime media (TV Pink, etc.) announced a possible terrorist act on the state institutions. Also, and not less important, the decision of suspension of Viber and WhatsApp, prevented that this means of communication be used for distributing the evidences of electoral infringements that were recorded during the Election Day (recordings of vote purchase, photos, etc.).

For the purpose of comprehensive considering the consequences of the suspension of the regular means of electronic communication on the Election Day, based on the unconstitutional decision of the Agency, the following international documents dealing with the protection of human rights:

"The position of the UN Committee for Human Rights (General Comment 34 on Article 19 of the International Covenant on Civil and Political Rights, item 43) and the European Court of Human Rights (Judgement in case Ahmet Yildirim v. Turkey, 2012 item 64) is that any restriction of access to the Internet, including the activities of internet service providers which support such access must be in accordance with international standards of freedom of expression, proportional to the legitimate aim and is necessary in a democratic society. This means that restrictions must be precisely regulated, must provide judicial scrutiny to prevent abuses and "should not, for example, enable to ban publication of material just because it criticizes the authorities. "

Such this conduct by a state institution indicates a capture of the institutions of the system by party's people of the ruling party (DPS), which manage themselves, to act on the basis of party orders instead on the basis of the Constitution, Internationally recognized agreements which Montenegro admitted signed and relevant laws.

Prohibition of the application is unacceptable in a democratic society, it was not necessary and was not proportional to the task - to prevent communication of political message in aim to protect the honor and reputation of mentioned political party.

The fact that a number of users of these applications received (undesirable) a political message, is not sufficient justification to carry on such drastic measure and to fully suspend such communication to all users, against their will and even warning.

The question arises, if the unconstitutional decision taken pursuant to the free assessment of the Executive Director of EKIP: "that it is an illicit content", why then EKIP has not addressed to internet providers of Viber and WhatsApp, in way that they in accordance with its procedures exclude the sending of such messages, but not without any warning to prohibit entire services and prevent private, Constitutionally guaranteed communication among citizens.

Regarding this unprecedented act of political violence and prohibition of freedom of expression, the Viber Company, "Reporters Without Borders", credible international organization, other non-governmental organizations and numerous European media, stated their opinions.

-The general manager of the company Viber for Central-Eastern Europe, Vuk Brajović, said that "decisions on the prohibition of Viber, how much it may be justified to prevent the impact of the aforementioned content, was implemented without procedure and protocols, which are used in particular for such situations. He stated that the Viber`s comment at that time was: " it is an exception, if not even precedent. "

- "Blocking applications of this type in democratic countries on the day of parliamentary elections bring to infringement and prohibition of freedom of speech, and there is a suspicion that the authorities could influence on the free expression of citizens voting will. With such principle, they violate electoral process, "said Pauline Ades-Mevel, president of the Reporters Without Borders.

- Credible Montenegrin NGO Human Rights Action (HRA), issued a press release stating its opinion about the suspension applications "Viber" and "WhatsApp". "It was unconstitutional and we will submit the initiative to the Constitutional Court for the revocation of Article 145, item 4 of the Law on Electronic Communications that EKIP based these decisions on", they stated in its press release.

1.3. OTHER DRASTIC EXAMPLES OF THE PRESSURE ON FREE WILL OF VOTERS

1.3.1. WORK DIARY OF THE PRESIDENT OF THE MUNICIPALITY GUSINJE AND HIGH OFFICIAL OF DPS

The daily newspaper "Dan" came into possession the working diary of President of the Municipality Gusinje, Anela Čekić, and on 12th October 2016, published its content. From the content of the diary it is clear that this official of DPS engaged in illegal activities keeping records of actions that is either taken or planned to be taken in order to pressurize voters and enable vote buying for DPS. Thus, by insight into content of diary the following records are: that the employees of Post Office were called by a lawyer and head of Rožaje DPS Bećir Kalač, and on the other hand the people employed at the Tax Administration Agency were called by Prime minister's adviser Miodrag Bobo Radunović with aim: to carry out interviews with the owners of betting places, small markets, pastry shops in order to push their workers to vote for DPS; to promise the families of convicts abolitions, and thanks to Chief of Police in Plav, to return a gun to one voter. Additionally, in the diary it is stated that the vote of the diaspora people is paid by DPS with 250 euros, except for voters from Slovenia, which is paid 200euros. The diary shows that DPS, under the mediation of its official Sasa Pesic, who is the director of electricity distribution, provides a service of placing poles for electricity. There are numerous other abuses noted in the diary.

Special Prosecutor's Office took over the original diary of Anela Čekić and according to the words the Chief Special Prosecutor, Milivoje Katnić, they have reviewed it, emphasizing that the author of diary will be examined.

APPENDIX 2: article from Daily Newspaper "Dan" on 12th October 2016. (<http://www.dan.co.me/?nivo=3&rubrika=Vijest%20dana&datum=2016-10-2&clanak=568078>)

1.3.2. VIDEO MATERIAL AS EVIDENCE OF VOTES BUYING BY DPS IN THE MUNICIPALITY OF BIJELO POLJE

One example of buying votes by DPS, which can be isolated as a characteristic case of a whole series of such cases. It is an example of purchasing votes of the persons from the diaspora in the restaurant "Chicken" in Bijelo Polje. For this criminal activity of DPS there is an evidence in the form of video recording, which was broadcasted on TV Vijesti, in the show "Bez granica", made by author and journalist Sead Sadiković. The video recording shows a gathering of voters from the diaspora, who were standing in the line in front of the mentioned restaurant and waiting payment in the amount of 250 euros, promised by the DPS.

APPENDIX 4 : video clip 4 "Vote buying in Bijelo Polje"
(<https://www.youtube.com/watch?v=XokRKWDqt9s>)

1.3.3. VIDEO MATERIAL AS EVIDENCE OF ELECTION ABUSES BY DPS IN THE MUNICIPALITY OF BUDVA

The bearer of the electoral list of Democrats in Budva, Dragan Krapović and his associates entered the Hotel "Belvi", where there was one of the electoral headquarters of the Democratic Party of Socialists. Persons who has protected witness collaborator Rajko Kuljača (person charged for corruption in many Budva cases and witness collaborator), also guarded that object, in which Rajko Kuljača was in one of the rooms, and immediately has been locked. In this group there was also his relative Vojo Kuljača, DPS councilor of the Assembly of the Municipality of Budva. That organized crime group at this Hotel was keeping records of voters who did not vote, making at the same time pressure on voters to go to the elections posts and vote for DPS; they also distributed money to voters to vote for DPS. Activists of Democrats have recorded this case and present it to the public.

APPENDIX 5: video clip 5 "Election abuses in Budva" (Appendix is in the archives of the authors of the Report).

1.3.4. VIDEO MATERIAL AS EVIDENCE OF ELECTION ABUSES OF STATE RESOURCES IN THE MUNICIPALITY GUSINJE FOR THE PURPOSE OF OBTAINING VOTES FOR DPS

One of the forms of misuse of state resources for party's purposes in the electoral process was a selectively re-connection to the electrical grid only for those households whose members promised to vote DPS in the elections. DPS has conditioned reconnection of these objects to the electrical grid of a number of persons in the municipality Gusinje, who due to difficult financial

situation were not able to settle the debt for electricity, by providing their vote to this party in the elections. And for this criminal activity of DPS there is an evidence in the form of video recording, which was broadcasted on TV Vijesti, in the program "Bez granica", made by author and journalist Sead Sadiković.

APPENDIX 6: The video clip 6 "Abuse of state resources in Gusinje" (https://www.youtube.com/watch?v=lxUMXwx_obI)

1.3.5. VOTES BUYING ON THE ELECTION DAY

Evidences that the money was distributed to voters from DPS are illustrated by the following examples recorded by observers of NGO CEMI:

- At the polling station 21 in Cetinje, a dozen voters, members of the RAE community, after the vote, has asked the members of the electoral committee, "the promised money";
- At the polling station 72 in Bar, one person approached to CEMI's observer, thinking that he was a member of Polling Board from DPS, offering him a passport and asking where he can get the money;

APPENDIX 7: posts of the official Twitter account of CEMI on 16th October 2016.

1.3.6. DPS ORGANIZED TRANSFER OF PERSONS FROM THE OTHER COUNTRIES TO VOTE

In the morning on 16th October, in a parking lot behind the premises of the City Municipality of Tuzi (where there are three polling stations) a white bus of BiH car license plates was parked. In the evening around 6 p.m. another BIH bus came from the direction of Albania, of "Živojević Bus" transporter. Fifty people got off from the bus.

Some people went to the polling stations, and some of them stayed a little longer in the parking. It is characteristic that none of these persons in the bus did not have any personal (smaller or larger) luggage, and that the majority went to polling stations. It is also characteristic that in the bus there was not a single minor. All this implies that in these buses there were voters from the diaspora, and the question is whether they came from Bosnia or eventually arrived from Albania / Kosovo, and that only the transporter firm was from Bosnia.

APPENDIX 8: Photographs from the scene (appendix is in the archives of the authors of the Report).

1.3.7. ACTIVISTS OF DPS IN PODGORICA BROUGHT VOTERS TELLING THEM WHO TO VOTE FOR

At the polling station in primary school "Božidar Vuković Podgoričanin" in Podgorica, member of the Municipal Election Commission on behalf of the Key Coalition testified that the deputies of the authorized representatives of the DPS (from one polling station) were keeping records in front of the school, calling and bringing voters (predominantly Roma population) to the completely different polling stations saying them how to vote.

At the document in which this opposition representative got insight, there were about 20 names, with contact phones and a “large” number 6 (DPS number on the voter’s list) written by felt-tip pen as an instruction who to vote for. At the time when he intended to take a photo of the document, deputy authorized representative of DPS Marija Ivanova took out the paper from his hand and ran away.

He noticed that Isen Gaši (Roma representative linked to DPS), together with his son, in white “Reno Clio” was stopping by for 3 minutes, dividing instructions and then went to a nearby business premises where the election headquarters of DPS was situated with more than 50 people, organized in a call center. Per 30-40 Roma was standing in front of the school, some were wearing T-shirts of DPS, and keeping records who has voted. Member of the Municipal Election Commission on behalf of the KEY Coalition, Nikola Terzić informed about these irregularities to the Municipal Election Commission, and then with NGO MANS submitted a criminal charges against Marija Ivanove.

APPENDIX 9: "Vijesti" article on 16th 2016. <http://www.vijesti.me/izbori2016/podgorica-kljuc-podnio-krivicnu-prijavu-protiv-predstavnice-dps-a-907710>)

1.3.8. ILLICIT PRESSURE OF DPS ACTIVISTS ON VOTERS NEAR TO THE POLLING STATIONS

Representatives of political parties and observers of non-governmental organizations recorded numerous examples of electoral abuses by DPS activists in the immediate vicinity of polling stations, in the form of: organized bringing groups of voters to vote; the presence of a number of activists of DPS in the immediate vicinity of polling stations who were pressurizing voters how to vote and keeping records of voters who voted. In this regard, a post published by observer NGO CEMI is characteristic, showing that DPS activists at a polling station number 90 in Golubovci set up a tent 20 meters from the polling station and stopped arriving voters urging them to enter the tent. Other example of this type is from city of Rožaje, where at 20 meters from the polling station number 7, DPS activists was making pressure to all incoming citizens to vote for DPS.

APPENDIX 10: post of the official CEMI Twitter accounts

1.3.9. BUYING THE IDENTITY CARDS

This election process was also followed by the problem of buying Identity Cards by activists of DPS. In relation to the number of allegations, the efficient action of the prosecution office and the police, against the offenders of these crimes, has missed.

Following information about buying identity cards, an employee of the NGO “MANS”, on 13th October 2016., had a phone conversation with a person for whom there was an information about purchase of ID cards for the needs of DPS.

The public was informed about the content of the conversation, after its broadcasting in the main political news on TV "Vijesti", so it unambiguously confirms that there was an organized action of the purchase of ID cards from people who do not vote for DPS. The case was sent to the Special Prosecutor's Office.

It is well known the case of buying ID cards by DPS, during local election process in 2014, which case was explicitly mentioned in the Progress report of European Commission for 2015. This case was followed by certain verdicts of Montenegrin courts against perpetrators, but there was no process against organizers.

APPENDIX 11: audio recording of NGO "MANS"

(<https://www.youtube.com/watch?v=HqhJ3iKpKnY>)

1.3.10. NO IMPLEMENTATION OF THE PROCEDURE OF THE SYSTEM FOR ELECTRONIC VOTER'S IDENTIFICATION IN THE ADMINISTRATION FOR THE ENFORCEMENT OF PENAL SANCTIONS

The elections of 16th October, were the first one on which at the polling stations a specific devices for electronic voter's identification were used. At a number of polling stations technical problems were observed, in using of the devices for electronic identification of voters. So, for example, the NGO CEMI found that these problems have been registered on 4% of the total number of polling stations, only during activation of these devices.

A drastic example of violation of the election procedure stipulated by the law, represents a voting process at two polling stations in the Administration for the enforcement of penal sanctions. The elections in these two polling stations were conducted, without using the system for electronic voter's identification. According to the statement of the chairperson of the polling board in one of these places, Milan Čadenović, a large number of prisoners were not able to vote because they were not enrolled in the register voters' list, while others had no identity documents which were seized from them upon arrest.

APPENDIX 12: Article ND "Vijesti" 16th October 2016.

([Http://www.vijesti.me/izbori2016/cadenovic-aparat-u-ziks-u-nije-radio-dik-rekao-da-se-moze-glasati-907782](http://www.vijesti.me/izbori2016/cadenovic-aparat-u-ziks-u-nije-radio-dik-rekao-da-se-moze-glasati-907782))

1.3.11. MISUSE OF THE STATE RESOURCES BY DPS IN ANDRIJEVICA

The Mayor of the Municipality of Andrijevisa, where DPS is on the power, for a period of six months before the parliamentary elections in Montenegro and local elections in the Municipality of Andrijevisa, intensified providing to the citizens of Andrijevisa one-time fees payments. Namely, since 12. July 2016 to 24. October 2016., from the current budget reserve of the Municipality of Andrijevisa, a total amount of 13,656.21 euros was paid to 190 citizens for these purposes.

It is evident that it is unlawful misuse of state funds in order to buy the votes of citizens who are in difficult financial situation.

APPENDIX 13: Tabulation of the funds (appendix is in the archives of the author of the Report).

1.3.12. MISUSE OF THE STATE RESOURCES IN BERANE

Mayor of the Municipality of Berane, by the media, invited the State Prosecutor`s Office to urgently examine the occurrences at the Center for Social Work in Berane, where users of social benefits, on the day of election silence, were threatened in a way that they will not be paid if they do not vote for the Democratic Party of Socialists.

14 APPENDIX: Article ND "Vijesti" 15.10.2016. (<http://www.vijesti.me/vijesti/scekic-na-korisnike-socijalnih-primanja-u-beranama-se-vrsi-pritisak-907621>)

1.3.13. IRREGULARITIES IN THE ELECTION PROCESS IN ANDRIJEVICA

Municipality Board of SNP Andrijevica filed a complaint to Electoral Commission of Andrijevica, demanding to stop the voting in this Municipality. The reasons were according the view of SNP that legal requirements for the holding of elections in this Municipality were not fulfilled. Namely, in Andrijevica both, parliamentary and local elections at the same time were conducted. It was necessary to provide two ballot boxes in each polling station - one on the disposal of voters who voted for the election of members of the Parliament, and the other for the election of councilors. Two ballot boxes were supplied at only one polling station. For all other polling stations in the municipality, the voting was conducted in a way that voters threw both ballot papers into one ballot box.

Also, ballots for local and parliamentary elections were almost identical color, which further contributed to confusing voters. The State Election Commission has refused the complain of SNP.

APPENDIX 15: Decision of MEC Andrijevica, no. 68/1 on 16.10.2016 (Appendix is in the archives of the authors of the Report).

1.3.14. MISUSE OF THE STATE RESOURCES BY DPS IN PETNJICA

Municipality Board of SDP Petnjica announced on facebook profile a photo of the Mayor Samir Agović with the title post, "In which way this election silence is respected by Mayor of Petnjica". Namely, the photos shows how Agović on the day of election silence shared electricity pylons to the citizens of Petnjica. It was a reason why the municipal board of SDP Petnjica in its post, inter alia, pointed out: "Take what they bring and offer to you because it is yours. So pillars as these tubes are bought with money of all of us. They seize that money of all of us together for

all these years. But do not let them to blackmail you and because of blackmails to change your mind. Once again we draw attention to the citizens that this is a misuse of state and municipal resources on the day before the election process."

APPENDIX 16: Photos from the FB pages SDP Petnjica (appendix is in the archives of the authors of the Report).

1.3.15. PHYSICAL ATTACK BY DPS REPRESENTATIVE ON A MEMBER OF THE MAIN BOARD AND CANDIDATES OF DEMOCRATS FOR A MEMBER OF THE PARLIAMENT

In Bijelo Polje, in Nedakusi, vice president of the Municipality of Bijelo Polje a high official of DPS, Petar Smolović, with a number of activists of the Democratic Party of Socialists of Montenegro, physically attacked Marko Ljujić, a member of the Main Board of the Democrats and a candidate for MPs in the Parliament.

Namely, Marko Ljujić after getting information of a number members of Democrats that ID cards were collected in place Nedakusi in Bijelo Polje, in one of the cafes-betting, he went by his own vehicle to visit the scene of the event. While he was in the vehicle, in front of the specified object, a high official of DPS Petar Smolović, with a number of DPS activists approached to the vehicle in which a candidate for MPs of Democrats was. Smolović, together with his party's activists, took out of car Marko Ljujić using physical force, causing him minor injuries and took him behind the building in which DPS persons were collecting ID cards, where they continued their torture over Marko Ljujić.

APPENDIX 17: Photo of Marko Ljujić injuries (Appendix is in the archives of the authors of the Report).

1.3.16. PHYSICAL ATTACKS ON THE ACTIVIST OF KEY COALITION AND HIS SISTER BY DPS ACTIVIST

The activist of KEY Coalition Aleksandar Srdanović was attacked on Sunday 16 October in the center of Bijelo Polje, after he observed the election irregularities, precisely in the place where the DPS activists were buying the identity cards. After a few hours, at the same location, an unknown man approached from behind to his sister Olivera Srdanović, while she was talking on the phone, snatched her phone and broke it.

Srdanović was located at 9 a.m. in front of the faculty building in Bijelo Polje, specifically in the street that leads to the city garage, at a distance of about 30 meters from Caffee "Kontuar" and lottery which is part of the same premises. He was attacked by Hajro Kajević and a certain Raičević.

Srdanović said in his statement given to the Police of Bijelo Polje that he had noticed many young people coming and leaving the building, specifically in the premises of the lottery. He took a several photos of the object in which DPS party disburses so-called travel expenses.

APPENDIX 18: An article on "Tvojportal.me" (<http://tvojportal.me/najnovije/item/42645-kljuc-napadnut-nas-aktivista-u-bp>)

1.3.17. ASSAULT OF THE DPS REPRESENTATIVE ON FEMALE REPRESENTATIVE OF KEY COALITION AT THE POLLING STATION

A member of the polling board on behalf of the Key Coalition, Tijana Braunović, was attacked verbally, and almost physically on 16 October at the polling station No. 74 in Zabjelo (PS "Oktoih"). She was attacked by an authorized representative of DPS, Saša Đurišić.

Tijana Braunović noted that Đurišić has the record from the polling station, as well as that he is writing something on a paper, at the same time using a mobile phone. At her request what he was doing, he said he had a private conversation. The representative of the Key Coalition warned him that he had no right to do it according to rules all members are familiar with. She pointed out also that the rules shall apply equally to all. Đurišić then reacted to that, sending her abusive words and approaching her in order to commit physically assault. All representatives from other parties prevented further conflict requiring to stop the voting until the police arrives. Repeated elections in this polling station were held on 23 October 2016.

APPENDIX 19: Article ND "Vijesti" (<http://www.vijesti.me/izbori2016/kljuc-dps-aktivista-nasrnuo-na-predstavnicu-kljuc-a-907732>)

2. VOTER'S REGISTER

The Constitution of Montenegro stipulates that the right to elect and stand for elections shall be granted to the citizen of Montenegro who is 18 years of age or above and who has minimum two years of residence in Montenegro.

In order for voters to exercise the right to vote, it is necessary to be registered as a voter.

The Parliament of Montenegro, in February 2014, in order to gain confidence in the electoral process, adopted a new Law on the Electoral Register.

In accordance with this Law, it was determined that the Ministry of Interior is in charge of Voters Register.

The electoral register according to which the elections on 16 October 2016. were held, was concluded on 5 October 2016.

In the concluded Electoral Register, there are a total of 528,817 registered voters.

Out of that number a total of 9,698 registered voters in the elections could not exercise the right to vote because they did not possess valid identity card (8231 voter), or not possessed any identification document (1,467 voters).

Disposition of the voters at polling stations, was ordered by Ministry of Interior according to outdated data on permanent residence and address that the Ministry maintains in the registries of residence, and it was done regardless of the fact on which polling station voters voted so far.

Because of this, in the electoral register, compared to previous elections, the polling station was changed for 121 176 voters (22.9% of total registered voters).

On the day of the elections, on a large number of polling stations voters came and found that they are no longer enrolled in the voter's list at the polling station where they previously voted.

This means that these voters were not informed of the change of their polling station, which was a legal obligation of the Ministry of Interior.

This circumstance had very negative consequences in the exercise of the electoral rights of a significant number of disappointed voters, who were not willing to look for their polling place on the Election Day.

Keeping the electoral register was followed by a serious concern when one bears in mind the huge difference between the number of registered voters and the number of adult citizens of Montenegro identified on the national census.

In the period from 2003 until now Voters Register has increased from 458,399 voters to 528,817 voters, or over 70 thousand voters.

In this same period of time according to statistical data of the census on 2003, the census of 2011 and statistical data on population trends which are monitored by official statistics - Monstat on the monthly and yearly basis, the number of Montenegrin citizens has increased from 620,145 in 2003 to about 625,000 in 2011, which means that the number of citizens has increased by less than 5,000.

In the procedure of the census conducted in 2011, Monstat has conducted the list of Montenegrin citizens who are outside of Montenegro, but these data have never been published.

These persons, by Census methodology, do not make a permanent population, and therefore these persons are not included in the total number of permanent residents of Montenegro.

We also emphasizes that, pursuant to the Law on registers of permanent and temporary residence, the Ministry of Internal Affairs shall keep the Register of residence of the Montenegrin citizen residing in Montenegro and stay in another country, as well as the register of termination of permanent Montenegrin citizens who have moved to another country.

Indicated registers are not kept with the explanation that the citizens of Montenegro, when going abroad, do not report to the Ministry check-out residence.

Because of this, the competent state authorities do not have information, who are the voters who are registered in the electoral register, and who for years, even decades, constantly living in other countries, but not unsubscribed residence in Montenegro.

Therefore, there is no ability to control the legality of the registration of these voters in the electoral register, because the public does not have information who are these voters.

However, DPS had data on voters who are registered in the electoral register, and living abroad. In the organization of this party the arrival of a significant number of persons from abroad to vote in elections held 16th October 2016 was organized.

Payment of costs of arrival of these persons in Montenegro was carried out in the electoral headquarters of DPS, and about this issue numerous evidences are recorded.

Minister of Internal Affairs, Mr. Goran Danilović, representative of the opposition in the Government of Electoral Trust, did not sign the concluded Voters Register. He told the public, "... we have more than 100 thousand people in the Register for whom the polling station was changed and I will not sign someone's intentional blunders"

On 6th october 2016., The Government of Montenegro has authorized the Secretary of the Ministry of Interior, Dragan Pejanović, representatives of the DPS, to adopt a decision on conclusion of the Electoral Register, as he did.

3. ELECTION ADMINISTRATION

Election Administration for conducting the elections in Montenegro, according to the Law on Election of Councilors and Representatives are: The State Election Commission (SEC), 23 Municipal Election Commissions (MECs) and 1,206 polling boards (PBs).

Elections, held on 16 October 2016., produced serious shortcomings in the management of the election administration, particularly the SEC, whose main role was to ensure the legality of the electoral process and uniform implementation of related laws.

Such our standing derives also from the preliminary findings and conclusions of the International Election Observation Mission in Montenegro, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly (OSCE PA) and the Parliamentary Assembly of the Council of Europe (PACE)- hereinafter referred to as: Finding of the Observation Mission.

Namely, in the aforementioned report, it was noted that the SEC is characterized by: "... the lack of strong collective leadership, deficiencies in management, and political tensions often led to inefficient and unproductive sessions."....." The SEC denied media access to all sessions despite the legal obligation. Not all minutes were posted on the website, agendas and other information were not always available to members in due time. While some MECs were transparent in their work and held public sessions, others were reluctant to provide requested information to the public and observers. A number of permanent members and authorized representatives of political parties criticized the SEC for not taking all necessary steps to ensure the transparency in the work of election administration."

The deep political crisis, increased tensions between the representatives of the opposition and position, as well as a strong political influence of DPS, having in mind that DPS ensured the majority of the permanent members in the SEC, has led to politically motivated and illegal conduct. There was the lack of transparency in its work, which were marked by verbal and even physical assault of the President of the SEC with some of its members, which ultimately led to the determination of final election results, which are not in accordance with free will of the voters. (APPENDIX 20: 7 video clip "Arguing in the SEC 1" (<https://www.youtube.com/watch?v=y5wA7Z2EFLM>) and video recording 8 "Arguing in SEC 2" (<https://www.youtube.com/watch?v=vcYQsii1vVs>).

Thus, at the session of the SEC, on the occasion of adopting the preliminary results of the election, an incident occurred because the President of the SEC, Budimir Šaranović, did not want to note the changing of authorized representative of Positive Montenegro, Nebojša Mitrić, preventing prior to that moment a standing member of the SEC, Milan Radulović, to submit the notice on the change of plenipotentiary representatives of Positive Montenegro in the SEC at the Registry Office of the SEC.

It is particularly interesting to point out that, beside representatives of all opposition parties there were also representatives of the ruling party - members of Positive Montenegro, Milan Radulović, a member of the SEC, as well as the Deputy Prime Minister, Azra Jasavić, who were against the decision on adopting both interim and final results of the elections.

Namely, Milan Radulović from ruling Positive Montenegro asked that the minutes of the session of the State Election Commission, which determined interim election results, notes his position, as a dissenting opinion that "the electoral process proceeded in an atmosphere of pressure of the institutions and non-institutional structures and that in such an atmosphere the process of adopting the election results is taking place."

(**APPENDIX 21:** Minutes of the 68th session of the SEC, held on 18.10.2016. – appendix is in the archives of the authors of the Report).

Also, Azra Jasavić, Deputy Prime Minister of Montenegro said at the press conference on 18.10.2016. "Positive Montenegro will not support a vote in the SEC regarding the election results," with the explanation that „many things that took place during the Election Day were worrying and irregular."

Regarding the lack of transparency in the management of the SEC, we point out that the preliminary results on voting at polling stations for the whole territory of Montenegro was not published on its website until the moment of publication of the final results of voting. Due to such deficiency, the political parties have not been able to compare their copies of the minutes from the polling stations with the officially published results of voting, which led to the fact that political parties and other authorized complainants were not able to submit complaints, because in the meantime the legal deadlines to do that had expired .

It is also important to mention that there was effectiveness of ordinary legal means, which is stated in the finding and observation missions: "...The limited number of complaints filed to law enforcement bodies and the judicial bodies was attributed to lack of trust, as well as to the lack effectiveness and impartiality of these institutions. The lack of detailed guidelines, as well as current deadlines for electoral dispute resolution does not ensure an effective remedy, despite previous OSCE/ODIHR recommendation."

In the determination of final election results, the individual bearer of the election lists, in particular Nikola Camaj, on behalf of the Democratic Alliance of Albanians, indicated the obvious example of political corruption. The representative of the election list of the Democratic Alliance of Albanians Bafta Mavrić voted contrary to the attitude of this party, and appeared only at the session of the SEC in which they have determined the final results of voting, after the given break, when it became obvious that DPS does not have a majority in SEC to vote for the final election results.

Camaj said to the media, „that his signature was falsified on request for withdrawal from the SEC of the authorized representatives of the list, Bafta Mavrić and Klement Camaj. The fact they were not able to change us from inside, they changed us in the way we were removed ". He said that "the he suspects it is a political corruption case and said that he hoped the case would be examined by the Prosecution." Beside the fact that Bafta Mavric participated to the session of the SEC as an authorized representative and voted for the determination of the final results of the parliamentary elections, she was also a member of the Municipal Election Commission of Ulcinj, which are incompatible functions.”

Secretary of the SEC, Milisav Ćorić, also indicated to the obvious examples of political corruption in the work of the SEC, as noted in the Minutes of the SEC, especially at the session at which the final results of the election were determined.

The opposition has demanded in an open letter to SEC that this institution deny to determine the final results of the election, as long as the criminal case - terrorist attack on the institutions of the system, called the "coup attempt" in the day of the parliamentary and local elections is closed.

Attitude toward determination of final election results, opposition representatives in the SEC expressed by their leaving the session, while the Secretary of the SEC dissented opinion, which is recorded in the minutes in a way that he, inter alia, said: "It is becoming obvious that the SEC managing derives as a result of impermissible influence and synchronized activities of structures outside the Commission, and this 74th session regarding the authorized representatives verified electoral list has elements of criminal acts and corruption; it would be necessary to engage the Prosecution and the Police."

(APPENDIX 22: Minutes of the 74th session of SEC 29.10.2016.- appendix is in the archives of the authors of the Report).

Also, it is important to emphasize that during the meetings where the preliminary and final results of the elections were declared, near the premises of the SEC, a large number of officers of the Police in civilian clothes was notable, as well as certain members and activists of DPS, who were unauthorized entering to the Commission premises, in order to provide "support" to the president of the SEC, Budimir Šaranović.

3.1. IDENTIFYING VOTERS CONTRARY TO THE LAW

Article 80, paragraph 1 of the Law on Election of Councilors and Representatives stipulates that the voter shall prove his identity at the polling station by biometric identity card or passport.

In the process of implementing AFIS system it was determined that identity cards held by citizens of Montenegro are not biometric document. However, the State Election Commission

issued an opinion that the identification of voters at the polling station can be carried out on the basis of a valid identity card, although it undoubtedly found that it is not biometric.

3.2. DISPUTABLE REGISTRATION OF CERTAIN ELECTORAL LISTS

After the Constitutional Court of Montenegro revoked the provisions of the Law on Election of Councilors and Representatives which stipulated that the signature of voters supporting the electoral list, given before members of the Municipal Election Commission, the SEC has not set up any mechanism by which voters would be able to check whether their signature was misused.

This resulted in the evident abuse of personal data of voters by some political parties during the required number of voter's signatures collecting process.

This is indicated by the following data:

- Electoral List ALTERNATIVA MONTENEGRO submitted the electoral list with 4,500 signatures of support of the voters, and on the election won 878 votes.

- Electoral List POSITIVE MONTENEGRO submitted the electoral list with over than 9,000 signatures of support of the voters, and on the election won 5,058 votes.

- Electoral List SERBIAN PARTY-PROF. DR MILOVAN ŽIVKOVIĆ submitted the electoral list with the signatures of support of around 4,500 voters, and on the election won 1201 votes.

- Electoral List PARTY OF PENSIONARIES, DISABLED PEOPLE AND SOCIAL JUSTICE - DR SMAJO ŠABOTIĆ submitted the electoral list with the signatures of support of around 4,400 voters, and on the election won 672 votes.

- Electoral List PARTY OF SERBIAN RADICALS - "MONTENEGRO INTO THE SAFE HANDS" submitted the electoral list with 8,600 signatures of support of voters, and on the elections won 693 votes.

The Democratic Party of Socialists, as a party with the largest number of the votes, had benefits of the scattered votes of mentioned electoral lists that did not enter the Parliament, in determining voting results, by applying D'Hont quotient.

In this regard, the NGO CEDEM, in a press release, "expressed serious doubts that the SEC did not have the capacity to assess, whether the electoral lists for the representatives were submitted in compliance with the Law, nor a quality and comprehensive control of collecting voter's signatures has been provided". (APPENDIX 23: Press Release CEDEM, 01.11.2016.)

4. WORK LAY OFF AS A FORM OF DPS PRESSURES TO THE PERSONS OF DIFFERENT POLITICAL VIEWS

We point out to another form of pressure of the ruling DPS party, which is primarily carried out to the members of the SDP, as its former coalition partner, as well as towards to members and supporters of other opposition parties, who were dismissed from their jobs in the state or local administration in order to show the other citizens and voters in the state and local governments of Montenegro, that they can be employed only as a members of the DPS, or members of their satellite parties, regardless of professional qualifications.

The most flagrant example of violation of laws in a section of the illegal removal of SDP members and their replacement with the personnel from SD or DPS, is precisely in the example of longtime deputy of Minister in the Ministry of Transport and Maritime Affairs, **Mirel Radić-Ljubisavljević**. She was dismissed from the position exclusively because of her party affiliation to SDP, although previously she carried the job for two terms.

It is interesting to note that the named person **was supported by the largest transportation companies in the country. They addressed to the Prime Minister and ministers in the Government of Montenegro and to the Delegation of European Union to Montenegro**, with an open letter asking that "in this particular case in the appointment procedure of managerial staff, as priority criteria should not be taken any affiliation to any political party, but professional experience and recognized skills and knowledge of the quality in certain areas. "

However, the abovementioned letter, which was signed by 25 directors of the country's largest transportation companies, had no effect on the intention of the ruling party to show how all those „who refuse obedience to the party(DPS)„ are treated.

In this way, DPS manifested that Montenegro is not ready for the changes in the part of the de-politicization of state administration, which is one of the basic conditions in the process of accession to the European Union.

All this happens in the period before the elections and signing of Agreement on Government of electoral trust and organizing fair and free elections, which even then indicated on the unwillingness of the ruling party to allow the opposition to substantially participate in the governing process and give contribution to the trust of citizens in the electoral process. For these reasons, on behalf of the SDP, the Agreement was signed by Radić-Ljubisavljević, vice president of that party, in which way SDP wanted, inter alia, to send a message to the Montenegrin public on the lawlessness which is being implemented in the field of employment in the state administration, dismissing professional staff and captured institutions.

Illegals are reflected also in the harassment and dismissal of other persons affiliated in any way to SDP. Thus, instead of **Mladen Lučić** from Kotor (person closed to SDP, but not a member of that party, he was an independent candidate on the SDP list for the local elections in Kotor), at that moment director of the Port Authority, DPS and SD unlawfully appointed their party representatives. In this case it goes even further, so that the man who has 26 years of managing experience and who is recognized as an expert in the field of maritime affairs, is **prevented from accessing to the interview on the public employment call, with explanation, that there is no relevant work experience in management**, although he was performed the jobs of Port administration in the previous 6 years, based on the decision of the Government on the appointment to this position. Instead him, a person without similar managing experience but party suitable was appointed. It is important to point out that Administrative Inspection abolished all illegal decisions in this case and accepted appeal of Lučić.

Furthermore, the acting Director of Forest Administration, **Mirsad Nurković** from Rožaje, is replaced by a high official of DPS, mostly because he indicated to the competent Committee in the Parliament many irregularities in granting concessions, as well as the harsh abuse of power position and misconduct of working commitments of individual managers and workers in the Forest Administration, who have been suspended in the meantime by the opposition Minister Budimir Mugoša. Against those persons criminal charges were filed for illegal felling of trees, which caused damage of more than 100,000 euros.

Also, as a form of political revenge, **Branislav Veljković**, from Pljevlja, director of the Municipal enterprise "Grijanje", **Enes Drešković** from Plav, director of the National Park "Prokletije" and **Željko Nikolić** from Nikšić, director of the Radio Broadcasting Center, were dismissed. Nikolić was employed on the basis of public vacancy call, and his mandate was supposed to last until November 2017, but a decision on the dismissal was adopted by the Board of Directors of the Broadcasting Center (whose members are appointed by the Government), with the explanation that he failed to charge a debt from the media. This is not only about his political persecution, because he did not want to close free media, but it also about an attempt to shut down the last independent medias that are not part of the DPS's network. On the other hand, it is by far the largest debtor RTCG, although despite millions transfers from the budget, it has an illegal grants.

Political victim of DPS was also **Goran Miranović** from Podgorica, Secretary for Social Welfare in the local administration of the Capital, whose dismissal has the added dimension of pressure on the opponents, if we take into consideration that he is a member of the State Electoral Commission. A characteristic example is also the release of **Šefko Kurpejović** from Podgorica, Assistant Director of the Directorate of Public Works. At the end of September, just in the finish of the election campaign, using the legal gymnastics of ruling party, due to the change of employer's systematization, both Miranovic and Kurpejovic became redundant, ie. there was no need for their job positions.

The pressures also were carried out in other local governments. At this point, let us mention the example of **Bernarda Moškov**, councilor in the Assembly of Municipality of Tivat, who has been "forced" to resign the position of the longstanding director of the Tourist Organization of Tivat, as well as, many illegal layoffs in local governments in Bijelo Polje and Rožaje are well-known.

Previously appointed people, most of them, filed appeals on the decision on dismissal to the Appeals Commission of the Government, complaints to the Administrative Inspection, lawsuits to the Administrative Court and other competent courts, as well as criminal charges against executives and persons who ordered their illegal dismissal. If their rights are not to be protected by Montenegrin institutions, they will address the European Court in Strasbourg. With this unlawful practice, the EU Delegation to Podgorica is informed too.

We point out that such policy of the Government of Montenegro, headed by DPS, based on the persecution of political personnel employed on the basis of public employment calls, is contrary to the recommendations of the European Commission, which insists on the de-politicization of the state administration and implementation of the principle of merit based recruitment. The EC Report on Montenegro in 2015 says: "Montenegro should ensure full implementation of the Law on Civil Servants and state employees, and adhere to the principles of merit, de-politicization and transparency in recruitment, appraisals and dismissals at all levels, including for senior positions".

The European Parliament Resolution of 10 March notes: "It is essential to adhere to the principles of merit, de-politicization, accountability and transparency in public administration and to ensure the citizens 'right to good administration free of corruption.'"

We consider that all of these requirements, recommendations and principles coming from European institutions, related to Montenegro's progress in accession to the EU, are roughly violated and marked with political persecution of staff which professionally and responsibly carried out their jobs in the state administration, just because they do not have the party membership card of the ruling party DPS, or one of their coalition partners, primarily SD.

These pressure and dismissal of people who do not belong to the ruling parties should have created an atmosphere of fear among voters and make impression that the right to work in Montenegro can only be achieved if you have a party membership DPS and vote for that party, which is contrary to the Constitution of Montenegro, Article 62: "everyone shall have the right to work".

5. CRIMINAL CHARGES

According to the notice of the Supreme State Prosecution of Montenegro no. 686/16 on 11/10/2016., the Special State Prosecutor's Office has formed a total of 195 cases for criminal offenses against electoral rights prescribed in Chapter 16 of the Criminal Code of Montenegro, as follows:

- 136 upon complaints filed by NGO „Networks for Affirmation of Non-Governmental Sector – MANS“;
- 20 upon complaints filed by political parties;
- 1 upon complaint filed by MPs;
- 8 upon complaints filed by individuals;
- 25 upon complaints filed from the Police;
- 5 have been formed upon own initiative by the Special Public Prosecutor's Office, based on information published by the media.

Out of total number of cases, 5 has been assigned for further processing to other prosecutors' offices, because it was determined that such cases are under their jurisdiction; in 7 cases, a decision on rejecting of criminal charges were adopted; 8 cases are archived, because after examination it was concluded that there is no basis for prosecution, while 175 cases are in the course of the preliminary investigation.

APPENDIX 24: Announcement of the Supreme State Prosecution of Montenegro, no. 686/16 of 11/10/2016. (Attachment is in the archives of the authors of the Report)

The specified number of filed criminal charges for criminal offenses against electoral rights, out of which the largest number was filed during the Election Day, is an additional argument for our assessment that recent parliamentary elections were not free and fair.

SUMMARY

Parliamentary elections in Montenegro, which were held on 16th October 2016 were not free and democratic, nor reflected the real will of the voters.

Information, data and events contained in this Report unambiguously confirm the aforementioned assessment:

1. It is impossible that in the country on the same day we have free and democratic elections and implementation of the plan of "coup attempt" with acts of terrorism, which would result in a bloodshed. Without prejudging (un) truth of what happened in connection with the preparation of a coup and terrorist acts, it was obvious intention of the authorities to achieve a partial political benefit as well as to preserve their power through a direct influence on the free expression of voters, what was done by dramatic placing of this information via medias linked to the Government and DPS without waiting for the completion of voting that day. Due to this few percent's of voters gave up to exercise their voting rights, those undecided voters and those who were willing on this elections for the first time to vote in favor of opposition, DPS managed to bind for themselves.

The fact is that the tendency of voter's turnout for the first 8 hours of Election Day (7 a.m.- 3.p.m.) implied overall turnout of over 77%. In the last 5 hours of Election Day, voter's turnout has significantly decreased in the final and was 73.4%.

The relationship between the media spin of events during the Election Day and the drastic fall dawn in the trend of voter's turnout in the last hours of Election Day for 4 - 5 percentage points, is obvious.

2. The suspension of using "Viber and" Whatsapp "on election day is a direct attack on the constitutional rights and freedoms of citizens, motivated by close Party's interests of the ruling party to prevent the reporting and publication of numerous examples of irregularities on the Election Day. Alleged act is an example of capture of state institutions by DPS party representatives, which indicates a very high level of servility and readiness of heads of these authorities that, at the cost of violation of laws and human rights, obey the orders of party bosses.

3. Parliamentary elections held on 16 October 2016 were realized with the Voter's Register that contained numerous irregularities, so the competent Minister of Interior refused to sign it, explaining this position by saying that "other's intentional blunders I will not sign."

In The Voter's Register the polling stations were changed, as compared to the previous elections for 121,176 voters, or 22.9% of the total number of registered voters, of whom tens of thousands was not informed of this fact. This directly affected the inability to use or aggravating conditions for the use of voting rights of voters. It is the matter of serious concern the information that in the period from 2003 until now the Voters Register increased by more than 70,000 voters, and in this same time period, according to official statistical statements, the number of citizens increased from 620,145 to 625,000 or about 5,000. It is concerning fact also that the competent authorities ignored their obligations prescribed by the Law on registers of permanent and temporary residence, because they do not keep registers of Montenegrin citizen residing in Montenegro and staying in another country, nor the register of termination of permanent residence

of Montenegrin citizens who have moved to another country. The consequence of such illegality is that it is not possible to verify the legality of voter's registration for persons who do not live in Montenegro, for years, even decades, neither is it known who these persons are.

At the same time, there is recorded evidences regarding the vote a large number of citizens who have arrived from abroad to vote, whose arrivals were paid by DPS.

4. The deep political crisis, intensified tensions between the representatives of the opposition and position, as well as a strong political influence of DPS, led to politically motivated and illegal conduct of SEC, as well as the lack of transparency in its work, which are marked by verbal and even physical assaults. The Commission did not provide the legal implementation of the electoral process neither a uniform application of the law.

5. The elections were accompanied by numerous violations and irregularities which had a decisive negative impact on the final results of the opposition in the elections.

The case of "Dnevnik - road map DPS from Gusinja" vote's buying, misuse of state resources, pressures of activists of DPS to voters near polling stations, buying ID cards and others in this Report presented cases clearly indicate that the elections, held on 16 October 2016, were unfree, undemocratic and unfair.

FINAL EVALUATION

Fair elections are the basis of government legitimacy, since the power that is not stemming from the freely expressed will of the citizens in the democratic elections, in accordance with the law, shall not be established nor recognized. (Article 2, paragraph 3 of the Constitution of Montenegro).

The data, information, and events depicted and described in this Report, unambiguously confirm that the recent parliamentary elections in Montenegro, held on 16 October 2016, were not free, fair and democratic, thus the opposition is committed not to recognize its results.

Political stability in Montenegro is a precondition for economic and social stability. There cannot be political stability if the government is constituted after elections which were not free and democratic and if the government does not have the undisputed electoral legitimacy.

Civic opposition - „Key" Coalition, Democrats and SDP intends to continue to contribute the peaceful, democratic and political changes to establish a responsible, transparent and controlled government, enabling Montenegro to truly becomes a member of the family of developed European democracies.

Parliamentary elections in 2016, once again convinced us that DPS, which is continuously in power since 1991, is not a partner on this path. It is a part of the problem, not the solution.

We do not accept that the authorities in Montenegro would be the product of political or any other form of violence.

We underline that DPS is responsible for the further deepening of political, security, socio-economic, as well as the overall crisis in Montenegro.