



Office for Democratic Institutions and Human Rights

**REPUBLIC OF SERBIA
FEDERAL REPUBLIC OF YUGOSLAVIA**

**PARLIAMENTARY ELECTION
23 December 2000**

FINAL REPORT



20 February 2001
Warsaw

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REPUBLIC OF SERBIA
Federal Republic of Yugoslavia
PARLIAMENTARY ELECTIONS
23 December 2000

Final Report
OSCE/ODIHR Election Observation Mission¹

EXECUTIVE SUMMARY

The 23 December 2000 election to the National Assembly of the Republic of Serbia marked considerable progress in meeting the Federal Republic of Yugoslavia's (FRY) commitments as a participating State of the OSCE. The election was conducted well and was largely in line with commitments outlined in the 1990 OSCE Copenhagen Document for democratic elections.² In the course of only three months, many of the flaws apparent in previous elections in Serbia and the FRY were addressed.

In October, the outgoing National Assembly of Serbia hastily adopted a new Election Law with a broad political consensus. The new law addresses a number of concerns raised previously by the OSCE/ODIHR. In some areas, the new law marks progress over previous legislation, but many provisions remain unchanged, whilst others are regressive. In particular, provisions regarding the allocation and political party control of elected representatives' mandates and arrangements to enable all citizens to vote can be improved.

The following features of this election are notable:

- A multi-party election administration implemented the law transparently, impartially and, through regulation, managed to overcome some legislative flaws. However, the absence of an intermediate election administration level between national and precinct commissions seriously complicated the work of the Republic Election Commission (REC).
- In contrast to previous elections, fundamental freedoms were respected. The contest took place in an improved pre-election environment, with a general absence of intimidation.
- Parties were able to register candidates through a non-discriminatory procedure and were able to campaign fairly on equal conditions under the law.
- In contrast to the September elections, the media environment was significantly improved. The State media was not subject to overt political interference. Citizens received a greater diversity of political opinion, including sufficient information about election contestants. Legal provisions for free airtime were respected, and political parties were able to present their platforms and freely express their opinions in a variety of media. Nevertheless, outside the free airtime, the State-owned media provided an unbalanced amount of favourable coverage to the Democratic Opposition of Serbia Coalition (DOS). This was particularly noticeable during news broadcasts.

For the first time, domestic non-partisan observer organisations were accredited to monitor the work of all commissions and polling stations on election day. One national non-

¹ This report is also available in Serbian. However, the English version remains the only official document.

² The OSCE commitments, agreed upon in Copenhagen at the second meeting of the Conference on the Human Dimension in 1990, emphasise the central role of elections in securing the citizen's right to participate in the government.

governmental organisation, Center for Free Elections and Democracy (CeSID), deployed thousands of observers on polling day.

On polling day, the atmosphere was generally calm and citizens were able to express their will freely. Overall, polling was conducted in accordance with the law and procedures, though a few minor procedural flaws were noted.

Preparations for polling in Kosovo were marked by uncertainty. They presented political and technical difficulties, from the designation of polling stations to the certification of voter registers and the delivery of election materials. A restrictive attitude prevailed within the REC, preferring to potentially disenfranchise some voters rather than loosen safeguards in a region marred in the past by widespread election fraud. The OSCE/ODIHR did not deploy observers to Kosovo as the territory falls within the transitional authority of United Nations Mission in Kosovo (UNMIK).³

The 23 December 2000 parliamentary election was an important step forward in Serbia's transition to democracy. The newly elected legislature and the Government will face many difficult challenges. The OSCE/ODIHR is prepared to work with the legislatures, the Governments and civic society of the Republic of Serbia and the Federal Republic of Yugoslavia to address these challenges.

INTRODUCTION AND ACKNOWLEDGEMENTS

The Organization for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission (EOM) in the Republic of Serbia (Federal Republic of Yugoslavia – FRY) on 28 November 2000. Mr. Nikolai Vulchanov was appointed Head of the OSCE/ODIHR EOM. Mr. Adrian Severin, President of the OSCE Parliamentary Assembly (OSCE PA), was appointed the OSCE Chairperson-in-Office's Special Representative to lead the OSCE observers.

This report consolidates the findings of 12 international experts based in Belgrade, 24 long-term observers and more than 320 short-term observers from 31 participating States, including 26 parliamentarians from the OSCE PA, seven parliamentarians from the Council of Europe Parliamentary Assembly (PACE) led by Mr. Björn von der Esch, and four representatives from the Congress of Local and Regional Authorities of Europe (CLRAE). On election day, observers visited over 1,700 polling stations across Serbia. On 24 December, the OSCE/ODIHR, the OSCE PA and the Council of Europe delegation issued a joint statement of preliminary findings and conclusions.

The OSCE/ODIHR wishes to express appreciation to the Ministry of Foreign Affairs of the Federal Republic of Yugoslavia, the Republic Election Commission (REC), republic and local officials, political parties and members of the civil society of the Republic of Serbia for their assistance and co-operation during the course of the observation.

³ An interim UN administration in Kosovo was established under UN Security Council Resolution 1244 of 10 June 1999. UNMIK did not participate in this election, nor did it prevent the election from being held.

POLITICAL BACKGROUND

Following the success of the Democratic Opposition of Serbia (DOS) in Federal and local elections in September 2000, Serbia entered a period of dramatic political changes with power being transferred from the old regime to the new.

The DOS has inherited an onerous legacy from the former regime of Slobodan Milosevic. As a result, Serbia's citizens had little or no confidence in public institutions, including the State-owned media, the judiciary, law-enforcement bodies and election administration.⁴ The economy is devastated, unemployment is high and salaries low. Some 600,000 refugees from the conflicts in Croatia and Bosnia and Herzegovina as well as 220,000 internally displaced persons from Kosovo add to this burden. The pre-election period was also marked by tension between Serbia and Montenegro, and the unresolved status of Kosovo.

Despite changes at the federal level since October, Milosevic's party, the Socialist Party of Serbia (SPS) remained in government at the Republic of Serbia level on the basis of the 1997 Serbian Parliamentary elections, characterised by the OSCE/ODIHR as "fundamentally flawed".⁵ After adopting a new Election Law (the Law on Elections of Members of Parliament), the National Assembly of Serbia was dissolved on 25 October. A transitional government was formed, including the parliamentary parties representing the former regime, and early elections were called for 23 December 2000.

On 10 November, the Federal Republic of Yugoslavia was welcomed into the OSCE as the 55th participating State. The FRY has also joined the United Nations Organization and entered into accession discussions with the Council of Europe.

The main participants in the 23 December election were:

- The DOS ran in a coalition of 18 political parties of varying sizes and strengths, representing a wide political spectrum.⁶ The Democratic Party led by Zoran Djindjic and the Democratic Party of Serbia led by Vojislav Kostunica are regarded as two strongest parties in the coalition, which held together despite speculation that it would fragment. The DOS political platform focused on the creation of a "Rule of Law State", featuring strong institutions; a transparent and decentralised government; programs against corruption; reviving the economy; social protection; and the country's reintegration into Europe.
- The SPS has been the ruling party at republic and federal levels since it was founded in 1990.⁷ Slobodan Milosevic was reelected President of the party in November 2000. The

⁴ During the pre-election period, the Belgrade District Prosecutor indicted the Chairperson and three members of the Federal Election Commission and the Chairpersons of the election constituencies of Vranje and Prokuplje on charges of fraud and abuse of office during the September 2000 elections.

⁵ See the OSCE ODIHR Report "Presidential and Parliamentary Election in the Republic of Serbia, 21 September and 5 October 1997" at www.osce.org/odihr.

⁶ The Democratic Party; The Democratic Party of Serbia; Social-Democracy; Civic Alliance of Serbia; Demo-Christian Party of Serbia; New Serbia; Movement for Democratic Serbia; Social-Democratic League of Vojvodina; Democratic Reform Party of Vojvodina; The Coalition of Vojvodina; Alliance of Hungarians from Vojvodina; The Democratic Alternative; The Democratic Center; New Democracy; Social-Democratic Union; The Democratic Party of Sandzak; League for Sumadija, Serbian Resistant Movement – Democratic Movement.

⁷ Milan Milutinovic of the SPS was elected President of Serbia in December 1997. The SPS led coalition held 110 of the 250 seats in the outgoing National Assembly. The Serbian Radical Party (SRS) was the

party still possesses a strong national organisation and has attempted to redefine itself as a modern leftist party. However, the visibility of the SPS declined sharply following its election defeat in September.

- The SRS (Serbian Radical Party), led by Vojislav Seselj, is known for its ultra-nationalism. The party lost much support while in coalition government with the SPS and performed relatively poorly in the September elections.
- The SPO (Serbian Renewal Movement), led by Vuk Draskovic was until recently the strongest opposition party. In 1999, the party briefly joined a coalition government with the SPS and the SRS. The SPO contested the September elections alone, losing its support base.
- The SSJ (Serbian Unity Party) was founded by the paramilitary leader Zeljko Raznatovic, a.k.a. “Arkan”, whose forces known as the “Tigers” are accused of numerous war crimes in Bosnia and Herzegovina, Croatia and Kosovo.
- JUL (Yugoslav Left) is led by Mirjana Markovic, spouse of Slobodan Milosevic. In all previous elections, the party submitted joint candidate lists with the SPS and other parties close to the old regime.
- The SSDP (Serbian Social Democratic Party) is led by Zoran Lilic, former President of Yugoslavia, who resigned from the SPS in September 2000 to found his own party.
- The DSP (Democratic Socialist Party), founded by former SPS members in November 2000, is led by former vice-president of the SPS Milorad Vucelic.

LEGAL FRAMEWORK

The Constitution of Serbia, adopted on 28 March 1990, establishes a unicameral parliament, the National Assembly, with 250 members elected for a four-year term by secret ballot in direct elections. Parliamentary elections were last held on 21 September 1997.

In addition to the Constitution, a body of legislation regulates the election, the most important being: the Law on Elections of Members of Parliament (2000); the Law on Political Organisations; the Law on Administrative Disputes; and the Law on Public Information. The numerous instructions, regulations and decisions of the Republic Election Commission are also relevant.

Unlike the 1997 parliamentary election where Serbia was divided into 29 constituencies, the 2000 election was held in a single nation-wide constituency. Mandates are awarded to candidate lists which secure a minimum of 5 percent of the votes cast through proportional representation, using the d’Hondt allocation method.

Every Yugoslav citizen permanently residing in Serbia, aged 18 or over on election day has the right to elect and be elected as a parliamentary deputy. Convicted persons are also entitled to vote. Only citizens whose legal capacity has been revoked by a court decision are legally barred from participating in the elections.

Political parties, party coalitions, political organisations or groups of citizens nominate candidates on lists. To be registered by the REC, nominations require at least 10,000 supporting signatures, which are verified by municipal courts.

The Election Law, adopted by the outgoing Parliament by a broad consensus, addressed a number of concerns raised previously by the OSCE. However, it was adopted hastily and is unlikely to prove durable. In some areas, it marks progress over previous legislation, but many provisions remain unchanged, whilst others are regressive.

The Law and REC instructions address concerns arising from previous experience of election fraud and introduce new voting procedures that improve transparency and security of the ballot, including:

- Providing for a computerised general voter register.⁸
- Permitting parties to witness the printing of ballots and the tabulation of national results.
- The stipulation that military voters must vote in regular civilian polling stations.
- The use of indelible and invisible ink to identify voters who have already cast ballots.
- The introduction of transparent ballot boxes.
- The stipulation that voters must sign the voter register when receiving ballots.

These innovations raised the confidence of voters and political parties in the integrity of the process on election day. However, the Law has a number of serious shortcomings:

1. The Law provides for a two-tiered election administration consisting of the Republic Election Commission and Polling Boards. The absence of an intermediate level of election administration created an over-centralised structure that complicated election preparations significantly. Furthermore, if election result aggregation procedures were followed rigidly, a delay in the announcement of final results was likely to occur. The structure of the election administration may also result in the REC having to adjudicate numerous election disputes.

2. The legal provisions for allocating mandates are a step back as the legislation permits parties to select which candidates will receive mandates *ex post* regardless of their position on the list. This lessens voters' understanding of precisely whom they are electing. Furthermore, the Law allows parties to terminate mandates of representatives who lost party membership, regardless of whether the loss of membership was voluntary or followed expulsion. Effectively, these provisions make elected representatives less accountable to voters than to political parties.

3. As a result of the elimination of constituencies, parties with concentrated regional support will struggle to overcome the 5 percent national threshold for allocation of mandates.⁹

4. The Law provides that voting only takes place in person in polling stations established in Serbia. *De facto*, this provision disenfranchised internally displaced persons from Kosovo temporarily resident in Montenegro, those resident abroad, incarcerated or otherwise unable to be present at a polling station, for instance due to disability. The EOM is aware that these provisions are a response to concerns regarding the potential for manipulation. However these concerns should not impinge upon the right of all voters to express their political will.

⁸ The Instruction on updating voter registers provides that they are displayed publicly, although the Law does not provide for this.

⁹ This has an impact on regional parties seeking to enter Parliament on their own. The "List for Sandžak-Dr. Sulejman Ugljanin" had three seats in the outgoing Parliament. The Coalition Sandžak, composed of rival parties entered the DOS coalition, being granted three places on the candidate list. However, the present party of Dr Ugljanin chose not to join DOS and boycotted the elections. The Sandžak region, located in south west Serbia, is an area populated mainly by Muslims.

5. The Election Law does not provide a clear basis for determining the calculation of the 5 percent threshold for the allocation of mandates. Article 81 determines that seats in Parliament shall be allocated to “candidates lists that have won at least 5 percent of the voters who have voted”. This can be interpreted in a variety of ways, including its determination as the number of ballots in the ballot box (valid or invalid) or as the number of voters who sign the voter register. This became a controversial issue which created uncertainty in calculating results and prevented the Republic Statistics Office from finalising its computer programmes in a timely manner.

6. The Law does not establish clearly the right of domestic or international observers to monitor the election process.

7. The Law contains a number of provisions for dissolving Polling Boards on election day if certain violations or procedural irregularities occur.¹⁰ However, if all the provisions are followed to the letter, even minor infractions of the rules of procedure could result in a large number of repeat elections at polling stations. This effectively holds electors’ hostage to the good faith of members of Polling Boards and it is highly questionable whether voters should be asked to return to polling stations as a result of procedural errors which did not compromise the integrity of the ballot.

8. The Law provides that appeals against REC decisions must first be heard by the REC, before being lodged with the Supreme Court. It is of concern that the body which made a decision should also rule on its appeals in the first instance. Additionally, the relatively short timeframe for lodging complaints to the REC begins from the moment that a contested decision was taken, raising the concern that should the complainant not receive notification of the decision in a timely manner, it may be too late to appeal.¹¹

9. The Election Law does not envisage citizens standing as individual candidates.

PRE-ELECTION PHASE

*** ELECTION ADMINISTRATION**

1. Structure of the Election Administration

The new Election Law provides for a two-tiered election administration consisting of the Republic Election Commission and 8,722 Polling Boards.

The REC has a “permanent” composition appointed by Parliament. It consisted of a Chairperson, Judge Andrija Simic, 16 members and two non-voting members, a Secretary and a Representative from the Republic Statistics Office. All 17 voting members also have deputies. In addition, the election contestants may appoint representatives to the REC and, later, to Polling Boards. The three largest parties in the outgoing Parliament (SPS, SRS and the SPO) together with the DOS coalition agreed to each appoint four members to the REC. This agreement did much to improve transparency and gave the respective political parties a sense of involvement in administering the process.¹²

¹⁰ See Articles 55 and 69.

¹¹ Article 95.3.

¹² However, JUL complained to the EOM that, despite being represented in Parliament it was not granted

The REC decided to appoint “working groups” at the municipal level to provide co-ordination between itself and the 8,722 Polling Boards. The working groups did much to compensate for the lack of an intermediate level election administration and their multi-party character ensured transparency. However, the REC document regulating the activities of these working groups lacked a clear legal base and failed to provide a clear definition of their competencies.¹³ Despite a briefing session organised for local officials and political parties, information was disseminated to the field only partially and frequently late, resulting in a degree of confusion at local level during the pre-election period.

The Law requires that Polling Boards, in their permanent composition, must comprise a President and at least two party representatives.¹⁴ REC instructions elaborate that Polling Boards should include a Chairperson and three permanent members, such that the four main political interests are represented (DOS, SPS, SRS and SPO). The Law tasks the REC to appoint Polling Board members and presidents in each polling station. Thus, the REC issued decisions appointing some 110,000 Polling Board members. However, belatedly submitted nominations of party representatives further confused the process and led some polling stations to remain closed for lack of appointed members.

2. Implementation of the Legal Provisions

Overall, the REC implemented the legal provisions impartially and enacted far-reaching regulations, addressing many of the Election Law’s shortcomings in a very short period of time. The REC showed a strong resolve not to permit violations, often taking a strict approach.

The establishment of polling stations, particularly those in Kosovo, became one of the most contentious issues for the REC, with some decisions being appealed to the Supreme Court. The REC insisted that polling stations in Kosovo should be properly identified thereby avoiding the failings of the past, such as the delivery of election results from polling stations that never opened.

On 2 December, the REC designated 8,727 polling stations, including 342 in Kosovo. Some 70 polling stations planned for the district of Kosovo-Morava were not designated after municipalities failed to provide information to the REC on time. On 18 December, the REC concluded that elections could not be held in the polling stations in a further three municipalities in Kosovo (Prizren, Orahovac and Gora) given the failure to appoint Polling Boards properly, certify voter registers, and owing to security concerns. Finally, 8,722 polling stations were established in Serbia, including 259 in three Kosovo districts.

The REC received and rejected a belated proposal to establish polling stations in Montenegro for federal military personnel and persons internally displaced there. This decision was taken despite an agreement between the Governments of Serbia and Montenegro.

membership of the REC or able to use the free media airtime on RTS1 before its candidate list was registered.

¹³ REC Conclusions on Performing Special Assignments, adopted on 8 November.

¹⁴ Parties and coalitions contesting the election can also nominate members to Polling Boards in their “extended composition”.

* **REGISTRATION OF PARTIES AND COALITIONS**

Municipal courts verified signatures of citizens supporting candidate lists in line with the Law. However, smaller parties complained that both the total of 10,000 signatures to be collected and the fee of 20 Dinars per signature to be paid by parties were too high.¹⁵

The REC registered the candidate lists impartially and did not unduly bar candidates from running. A total of nine political parties and coalitions submitted candidate lists within the deadline of 7 December. Five were registered immediately, namely SRS, SPO, DOS, SPS and Party of Serbian Unity (SSJ), and four were returned to correct errors and omissions. On 11 December, the REC accepted a further three lists, from: Democratic Socialist Party (DSP); Serbian Social Democratic Party (SSDP); Yugoslavian Left (JUL). One coalition, the “Communist-Workers Coalition KORAK and New Communist Party of Yugoslavia (NKPJ)” was rejected for failing to correct errors in its application papers. Thus, eight parties/coalitions representing a spectrum of political interests and opinions contested the election.

* **PARTICIPATION OF WOMEN IN THE ELECTORAL PROCESS**

Due to the low representation of women in the outgoing parliament (under 5%), women from the DOS coalition parties, networks and NGOs, joined forces in a campaign which was aimed to increase the representation of women.¹⁶ The campaign was also aimed to raise awareness among the general public about women’s issues, empower women and create a stronger network to lobby women’s interests.¹⁷

As a result of this initiative, 14 of the 18 parties in DOS signed an agreement to include 30 percent women on the coalition's list. However, this pledge was not fulfilled as just 14% of the DOS candidates were women. The highest number (19%) appeared on the SSJ list and the SPS had the lowest number at 4.8%. Mira Markovic of JUL is the only female party leader in Serbia.

Party leadership and election officials remain generally unaware of the issue of women’s representation and of the drastic effects of transition on women’s economic and social status.

* **COMPLAINTS AND APPEALS**

Voters, candidates, or submitters of candidate lists may lodge with the REC complaints against any violation of electoral rights or decisions or actions of Polling Boards. Rejected complaints may be appealed to the Supreme Court although the appeal is first filed through the REC. The Court’s ruling is final. The Constitutional Court has jurisdiction over electoral disputes that are not within the competencies of courts of law or other State agencies.

¹⁵ 1 DEM = 30 Yugoslavian Dinars, thus the total amount payable amounts to approximately DEM 6,700.

¹⁶ Women are also underrepresented in municipal councils with an average of less than 10% and no women in many councils.

¹⁷ OSCE participating States are committed to “encourage and promote equal opportunity for full participation by women in all aspects of political and public life (Moscow Document 40.8). Also para 23 of the Charter for European Security stipulates that “the full and equal exercise by women of their human rights is essential to achieve a more peaceful prosperous and democratic OSCE area”.

In November, the Constitutional Court of Serbia confirmed the constitutionality of the Election Law.¹⁸ In a separate case, the Court rejected an appeal against a REC decision not to establish more polling stations in Kosovo after the legal deadline. Relatively, few election complaints were received by the REC during the pre-election phase.

The appeal process at the Supreme Court level is flawed as all sessions are held *in camera*, excluding not only the public but also representatives of the political parties lodging the appeal.¹⁹ Parties may present their case in writing only and may not be represented by a lawyer. Effective legal counsel and, thus, effective legal redress are not available.

* VOTER REGISTRATION

The Election Law stipulates that voter lists will be “extracted from a national computerised voter register, run as an integrated system with a breakdown by municipality”. The Law however fails to specify how this national register is to be created and maintained, and which body or bodies are responsible for this task. At present, voter registers are maintained and updated by the municipal authorities, some manually, others by computer, using different software programs. Given the short timeframe and the current status of the voter registers, it was clearly impossible to implement the legal requirement of having a unique centralised voter register on time for 23 December. As some municipalities provided incomplete information, the REC postponed the announcement of the final number of registered voters until after the legal deadline to ensure that data was as accurate as possible.

On 11 December, the REC approved a total of 6,500,831 voters. This figure included some 150,000 registered in Kosovo, some of whom were ethnic-Albanians.²⁰ However as one district in Kosovo was omitted, some Serbs were excluded. On 22 December, the total number of voters was corrected to 6,508,856 to take into account court decisions and the inclusion of some military voters, who are registered in polling stations close to their barracks.

Authorities exhibited a high degree of goodwill and transparency in updating the registers. Although voter lists used in polling stations on election day were in fact drawn from municipal voter register extracts, a serious effort undertaken in good faith was made to comply with the legal requirement and compile a national voter register.²¹ However, registers continue to have errors and omissions including some missing personal identity numbers, errors in spelling of names, and some anomalous entries.²² The REC reported that many entries in the voter lists from Kosovo also lack personal ID numbers. Nevertheless, neither the failure to prepare a

¹⁸ A case had been brought arguing, *inter alia*, that the signatures required from citizens for parties to run violates the secrecy of the vote and that it also discriminated against voters living far from municipal courts or abroad. It was also claimed that the spray ink used to mark voters’ fingers violated human dignity.

¹⁹ Nevertheless, setting a precedent, a representative of the OSCE/ODIHR was permitted to attend a Supreme Court session, despite the provisions of the Law on Administrative Disputes.

²⁰ Some 200,000 persons displaced from the conflict in Kosovo into Serbia were entitled to registration as voters at the place of their temporary residence.

²¹ The Belgrade Institute of Informatics and Statistics and a private company from Novi Sad were contracted to computerise the registers kept manually in smaller municipalities. On 26 December, a CD-ROM was presented in the REC as a compilation of all voter register extracts used for the 23 December elections.

²² The registers in Bor contained some 2,000 former citizens of Former Yugoslav Republic of Macedonia, mainly Roma, whose citizenship status is unclear. In Sremska Mitrovica, some 30 percent of entries in the registers have incorrect ID numbers.

national computerised register fully, nor inaccurate registers prevented voters from exercising their right to vote on election day.

* **MEDIA AND THE ELECTIONS**

1. The Media Environment

After September 2000, democratic changes in the sphere of the media have taken root quickly. Overall, the Serbian electronic and print media devote much space to political issues and offer the electorate sufficient information to make choice on election day. The media present a plurality of political opinions and are more balanced than previously. Bellicose language has disappeared from the State media. However, the SPS, SRS, JUL and SPO all complained of reduced access to the media than previously and RTS1 bias in favour of the DOS. The SPS complained of negative coverage including allegations of corruption and criminality within the party as well as their poor showing in opinion polls.

2. The Legal Framework

The Constitution guarantees the freedom of the press, prohibits censorship and incitement to national, racial or religious intolerance or hatred, and stipulates that publicly financed media must provide impartial information.²³ In November 2000, the repressive Public Information Act, which had been used to stifle independent media, was suspended, pending a judgement from the Federal Constitutional Court.²⁴

The Election Law provides that citizens have the right to be informed in the media about election contestants' programs and activities on equal basis. Editors and hosts of political information programs in State-owned media are obliged to independently and objectively present all candidates and must remain impartial. A 48-hour campaign silence period is provided immediately before election day.

The DOS, SPS, SPO and SRS signed an agreement on rules for presenting candidates during the campaign. The Election Law and this agreement entitled parties and coalitions to free airtime on a daily basis and provided that all participants in the election campaign have the duty to avoid insult, defamation and ridicule of other candidates.²⁵ Several local broadcasters had entered into agreements with political parties to provide equal access and televised debates.²⁶

3. Media Monitoring

The EOM monitored two television stations, the State-owned *RTS1* and *Studio B* controlled by the Belgrade City authority, together with four national daily newspapers (*Politika*, *Vecernje Novosti*, *Blic*, and *Danas*) between 27 November and 20 December.²⁷

²³ Articles 38 and 46.

²⁴ The law contains a number of draconian provisions. Since its adoption, over 30 cases have reached the Serbian courts, where media outlets have been fined over 20 million Dinars (1.7 million Euros).

²⁵ The Rules of Presentation of the Submitters of Electoral Lists during the Electoral Campaign for the early elections ... in Public Mass Media founded by the National Assembly of the Republic of Serbia (13 November 2000).

²⁶ For example in Pirot, Vrsac, Kraljevo, Leskovac, Vranje, Cacak and Aleksinac.

²⁷ During this time, *RTS 1* and *Studio B* were monitored daily between 17:00 to 1:00. In total monitoring

Political parties were granted free airtime for election campaigning on the programme “Party Chronicle” broadcast nation-wide after the news. Initially, it was allocated to the DOS, SPS, SPO and SRS, but after registering the candidate lists, all parties and coalitions contesting the elections were able to use this space. *RTS I* broadcast seven political debates between election contestants, providing more or less equal airtime to participants.²⁸

All parties had ample opportunity to present their opinions and platforms, including through “direct speech”, particularly in State-controlled media. However, the *RTS I* and *Studio B* granted the DOS more time than other parties and more favourable coverage, particularly during news broadcasts. The main news program on *RTS I* at 19:30 favoured DOS, granting the coalition 11 percent of coverage, 87 percent of which was of a positive tone. Conversely, the SPS received an 8 percent of airtime, 88 percent of which negative.

About 27 percent of the broadcasting time of *RTS I* was dedicated explicitly to political issues. Of this, the DOS received 18 percent and President Kostunica 4 percent, with a largely positive tone. The SRS and the SPO received 12 percent and 9 percent respectively, also with a largely positive tone. The SPS received 8 percent of coverage, 10 percent of which negative.²⁹

Studio B devoted 18 percent of broadcast time to political information. Of this, 36 percent was dedicated to the DOS, generally presenting the coalition in a positive light.³⁰ SPS received 13 percent, of which over two-thirds was of a negative tone.

The State-controlled newspapers *Politika* and *Vecernje Novosti*, previously supporting the SPS/JUL, have undergone a dramatic editorial reorientation. They devoted between one third and one half of the space covering politics to the DOS and President Kostunica, and both criticised the parties of the previous regime. *Blic*, one of the most important newspapers in Serbia, selling almost 200,000 copies per day also gave strong support to the DOS. The newspaper *Danas* also supported the DOS, although some negative coverage was evident.

4. The Supervisory Board

The Election Law also provides for a “Supervisory Board” whose duties include, *inter alia*: “to control whether the media are following the provisions of the Election Law”. The Supervisory Board was appointed by Parliament, with political parties nominating members. Unfortunately, the Law failed to define sufficiently the Supervisory Board’s mandate and the scope of its authority

The Supervisory Board on the media met only infrequently and some of its members were not even aware of their appointment. The Supervisory Board refused to meet representatives of the OSCE/ODIHR Election Observation Mission.

The board released eight statements during the campaign. On 24 December, the Board held a press conference to present its findings. The President of the Board announced that a motion

took place over 29 days and included monitoring the campaign silence period.

²⁸ Additionally, parties were able to utilise two programs of one-hour each called “Party Presentation”.

²⁹ The negative coverage was mostly against Milosevic.

³⁰ This is particularly evident in news programs where 40 percent of political communication was dedicated to DOS, mainly positive in tone (83 percent). The other parties received less coverage ranging from 9 percent for the SPS (68 percent negative in tone) to 3 percent for JUL (14 percent negative in tone).

calling for cancelling the results would be filed with the REC, based on violations of the legal provisions relating to campaigning during the silence period and preferential media coverage of the DOS. One of her colleagues then publicly contradicted her statement, declaring that the motion was never adopted by the Board and thus had no legal basis.

The Supervisory Board failed to establish itself as an effective and impartial body and the motion to annul the elections appeared to derive from political considerations.

* **THE ELECTION CAMPAIGN**

Outside the media, the campaign by all parties was generally low-key. Owing to the economic situation and the possibility of additional elections in the coming year, parties did not wish to spend great sums on an election campaign, with many predicting a DOS victory with a large majority. The campaign strategy of the larger parties was to engage in door-to-door canvassing and meetings with voters in public places and factories.

The DOS campaign was most visible and organised with party Presidents touring Serbia and holding meetings with voters. The SPS did not hold many public meetings, asserting the “security situation did not permit it”. The SPO expressed similar concerns, following two assassination attempts in recent years on the party’s leader, Vuk Draskovic.

In contrast to earlier elections, the freedoms of association, assembly and expression were generally respected and the election took place within a much-improved environment, with a general absence of intimidation. However, the SPS and JUL complained to the EOM alleging discrimination in the workplace, loss of position and attacks on party property.

The pre-election period was marked by violent incidents in southern Serbia with the “Liberation Army of Presevo, Bujanovac and Medvedja” (UCPBM), an armed group of ethnic-Albanians, attacking Serbian Police within the 5 km “Ground Safety Zone” established around the administrative border with Kosovo under the Kumanovo Military-Technical Agreement.³¹ This became a major campaign issue and party leaders made numerous visits to this area. To protest against the violence by the UCPBM, some of the local population mounted a series of roadblocks, which to an extent restricted freedom of movement in the area. On 19 December, the UN Security Council strongly condemned the violence by ethnic Albanian extremist groups in southern Serbia and called for an immediate cessation of violence.

Overall, the tone of the campaign was restrained compared to the tumultuous tone witnessed only recently. While the SPS moderated its hard-line nationalist rhetoric, the SRS maintained its ultra-nationalistic policy. The main campaign theme employed by DOS was the removal of the vestiges of the Milosevic regime. This overshadowed all other issues including the economy, Kosovo, national minorities and the Yugoslav Federation.

Actors not directly participating in the elections played an important role in the campaign. The Resistance Movement (OTPOR) maintained the highest profile during the election, aggressively campaigning to get out the vote and urging the completion of the democratic transition. OTPOR

³¹ Presevo, Bujanovac and Medvedja are municipalities in the south of Serbia, adjacent to Kosovo. They are home to a mixed population of Serbs, Roma and ethnic-Albanians.

posters were the most visible political imagery on public display.³² The SPS complained to the EOM regarding the messages displayed by the OTPOR, which they perceived as physically threatening the party's leadership.

Other civil society organisations, such as G17Plus and some NGOs had a high profile during the campaign.³³ They promoted discussion of political and economic issues with some campaigning actively against the parties of the former regime, whilst also criticising the DOS at times.

* **ELECTION OBSERVATION**

The REC displayed an open attitude towards both domestic and international observers. It accredited CeSID and, for the first time, also permitted election observer groups to monitor its plenary sessions.³⁴ This further increased transparency of the process and enhanced confidence in the REC amongst Serbian civic society organisations. CeSID was very active in the pre-election period, issuing statements and holding press conferences, recruiting observers and campaigning for voters to participate. On election day, it deployed thousands of observers and conducted a parallel vote tabulation.

ELECTION DAY

In a significant improvement over past elections, polling was conducted in a generally calm atmosphere and overwhelmingly in accordance with the Law and regulations. Overall, turnout was relatively low at 57.72 percent. Voter participation was fairly uniform across Serbia, although municipalities in the Sandzak area returned figures as low as 31.94 percent in Tutin municipality.

EOM observers submitted almost 2,000 report forms recording their assessment of the circumstances, atmosphere and adherence to procedures in polling stations. Observers overall assessment on the process of voting and counting at polling stations are as follows:

	Very good	Good	Bad	Very Bad
Voting	45.66%	50.09%	4.06%	0.18%
Counting	55.00%	42.00%	3.00%	0.00%

Thus, in around 96 percent of polling stations visited, observers reported positive findings.

³² OTPOR was founded in 1998 as a student movement to bring down the Milosevic regime. The Federal Ministry of Justice registered it as an association of citizens on December 12. Over time its membership has grown considerably to 85,000, including many non-student members. During 2000, it suffered considerable intimidation from the previous government and was at the forefront during demonstrations in October to defend the DOS election victory. During the December elections, OTPOR posters carried the following simple messages: "Vreme je!" (It's time!); "Gotov je!" (He's done!); "Overi!" (Confirm! or Verify!) and "Iskoristi ga!" (Use it! depicting an image of a brain).

³³ G17Plus is formally an NGO but some of its members hold positions in the FRY Government or senior positions in administration including: Miroljub Labus (Deputy Prime Minister); Sasa Vitosevic (Minister of Agriculture) and Mjadan Dinkic (Governor of the National Bank of Yugoslavia).

³⁴ In 1997 and September 2000 the election administration rejected CeSID applications to observe the elections. In December 2000, in addition to CeSID, the REC accredited two Montenegrin non-governmental organisations, the Centre for Democratic Transition and the Centre for Monitoring Elections.

* **VOTING**

1. Atmosphere

Polling was conducted in a relaxed atmosphere, conducive to a free vote. Virtually no intimidation or attempts to influence the will of voters was reported. Police kept a low profile and their presence inside a polling station was noted only in five cases (0.3 percent). Other “unauthorised” persons were noted in only 2 percent of polling stations visited. CeSID observers were present in over 80 percent of polling stations.³⁵ However, EOM observers reported that access to some polling stations was difficult, and some disabled voters had to vote outside polling stations.

2. Compliance with Procedures

Despite their different political affiliations, Polling Board members generally worked well together. Polling Boards generally followed the new procedures, although some voters were suspicious of the ultraviolet ink, with a few refusing to have their fingers sprayed.

However, observers reported that some Polling Boards failed to check voters’ ID documents consistently and the “secrecy” of the vote was imperfect. The quality of voting screens was variable with some positioned without consideration for privacy. Observers often noticed more than one person in voting booths simultaneously, mostly family members, thereby lessening the secrecy of the vote. These problems occurred mainly in rural areas.

3. Voting in Presevo and Bujanovac

The election in the area of Bujanovac and Presevo took place under abnormal conditions. Due to security concerns and problems with appointing the requisite number of Polling Board members, 23 polling stations in these municipalities did not open. Observers reported that the ethnic-Albanian population largely boycotted the election.³⁶ Turnout was only 7 percent in Presevo though higher in Bujanovac and Medvedja. Security personnel had a high profile, but no violent incidents were reported around polling stations.

4. Voting in Kosovo

The establishment of polling stations in Kosovo was an important symbol both for the remaining Serb residents as well as the Belgrade authorities. Ethnic-Albanians boycotted the election. No major incidents were reported on election day, although a few ethnic-Albanians in Pristina and Prizren demonstrated against the holding of Serbian elections in Kosovo. According to official data, polling took place in 225 of the 259 designated polling stations. CeSID observed polling at some stations in Kosovo and reported few irregularities, all of minor importance. KFOR provided election day security. Turnout in Kosovo was low with some 30,000 voters of the 150,000 registered casting ballots.³⁷ Some private houses were used as polling stations and

³⁵ The CeSID observation was entirely separate from the international observation. This report is based entirely upon the findings of international observers.

³⁶ In 1997, ethnic-Albanian voters in these municipalities participated in the constituency of Vranje, where the Democratic Coalition Presevo-Bujanovac candidate was elected to the National Assembly.

³⁷ REC Preliminary Results.

some polling stations closed early due to security concerns. The EOM did not observe voting in Kosovo.

* **VOTE COUNT**

The vote count was proper with a marked absence of intimidation and tension, although a few power failures complicated proceedings. However, the requirements to count the number of signatures on the voter list and to seal unused and invalid ballot papers before counting valid votes, were not always adhered to. Some unauthorised persons were present during the count, such as local officials, but observers reported they did not interfere in the process.

In a few cases observers reported that the number of ballots in the ballot box was a few in excess of the number of voters recorded as having voted. In no case was there a suspicion that any fraud had taken place. Rather, discrepancies were the result of Polling Boards failing to reflect the fact of voting in the voter list (indicating which voters had received ballots) in a consistent manner.

Polling Board members generally received copies of the protocol of results, thereby enhancing the transparency of the process and enabling parties to compare their own tabulations with official results. Most polling stations' election results were displayed publicly.

* **TABULATION OF ELECTION RESULTS AT THE REC**

As the Law failed to provide for an intermediate level of election administration, the REC was given the responsibility to aggregate election results from all 8,722 polling stations. The working groups, established at municipal level, received election material from the Polling Boards and forwarded it to REC co-ordinators waiting in District capitals. Observers reported that procedures were generally adhered to and that the multi-party composition of the working groups provided sufficient transparency.

Following a donation from the German Embassy in Belgrade, the Republic Statistics Office was equipped with adequate computer technology to process results as soon as protocols arrived in Belgrade. The REC held a press conference at 10.00 hours on 24 December announcing partial preliminary results, based on almost 50 percent of polling stations. According to the Republic Statistics Office, 93 percent of polling stations were processed by the evening of 24 December, with only Kosovo results outstanding. Parties and domestic observers generally agreed with the overall results.

THE POST-ELECTION PHASE

The REC received 34 complaints concerning irregularities during election day, alleging illegal composition of Polling Boards or working groups, procedures violated, and infringements of the prohibition on campaigning.³⁸ The SRS filed numerous complaints to the REC and the Supreme Court requesting the annulment of the entire election. Among others, the SRS complained that there had not been a unique voter register, as stipulated in the Law, and a number of protocols from polling stations contained errors when submitted to the REC.

³⁸ JUL submitted seven complaints, as did the SPS. Citizens lodged the other 20.

The complaints to annul the results of elections were rejected by the Supreme Court. However, the REC decided to repeat elections at 19 polling stations despite the fact that the number of voters involved (14,411) could not affect the overall outcome.

In general, the REC adopted a pragmatic approach in handling complaints and usually followed the recommendation of its co-ordinators present in the districts and familiar with the subject, notwithstanding the contrary allegations of the complainants. Although the REC satisfied only one complaint, overall it adjudicated impartially.

FINAL RESULTS

The repeat elections in 19 polling stations on 10 January significantly delayed the announcement of final results, although it could not change the number of mandates won by parties.

The following final results were published by the REC on 12 January.

Party/Coalition	Number of Votes	Number of Mandates
<i>Democratic Opposition of Serbia</i>	2,404,758	176
<i>Socialist Party of Serbia</i>	516,326	37
<i>Serbian Radical Party</i>	322,615	23
<i>Serbian Unity Party</i>	200,052	14
<i>Serbian Renewal Movement</i>	141,404	0
<i>Democratic Socialist Party</i>	31,973	0
<i>Serbian Social Democratic Party</i>	29,400	0
<i>Yugoslavian Left</i>	14,324	0
<i>Invalid votes</i>	89,800	

The DOS landslide victory (65% votes) was not a surprise. In total, four parties passed the 5 percent threshold, including the Serbian Unity Party (SSJ). This was unexpected as opinion polls had failed to forecast that the SSJ might overcome the threshold. The number of invalid votes amounted to 2.4 percent, less than the number recorded in previous elections.

Noteworthy, the representation of women in the parliament increased from less than 5% to 11%. Overall, 27 women won seats, 24 from DOS, 1 from SPS and 2 from SRS. Two out of five deputy speakers of the parliament are women.

Although the election law did not provide a mechanism to secure national minority representation in the Parliament, six representatives of the Hungarian Party (SVM) and two representatives of the Bosnjak Party (SDP) were elected from the DOS list.

CONCLUSIONS

Previous elections had been marred by serious irregularities and election boycotts. The 23 December election represents a considerable achievement for Serbia and was perhaps the first occasion where parties and voters could have genuine confidence in the accuracy of the results. Notwithstanding the flaws in the legislation and certain legacies from the previous regime, the elections marked significant progress and demonstrated a clear will of the election

administration to dispense with the practices of the past. This was achieved in only three months after the disputed federal elections.

The DOS coalition parties were the clear political winners and the large margin of their victory demonstrates a decisive vote for change. Despite the low turnout, many more voted for the coalition than in September. The large majority in Parliament will give DOS a strong platform to push forward Serbia's democratic development during the difficult period ahead, to the extent the coalition holds together. The SPO, once the largest party opposing Milosevic, fared poorly, failing for the first time since 1990 to secure representation in Parliament.

RECOMMENDATIONS

The following recommendations are offered for consideration.

*** THE LEGAL FRAMEWORK**

1. The legislation should be amended to ensure:
 - i. National minorities are able to secure appropriate representation in Parliament.³⁹
 - ii. Voters living outside Serbia are not disenfranchised.
 - iii. Administrative arrangements do not prevent detained or disabled voters from exercising their right to vote.
 - iv. The 5 % threshold is calculated as 5 percent of the total number of valid votes cast.
 - v. Voters know the order in which candidates on party lists will receive mandates and that once awarded, representatives elected by the people do not run the risk of losing their seats in Parliament if they change parties or are expelled from a party.
 - vi. The rules for campaign expenditure specify which sources of funding are permitted, nominate the responsible body to scrutinise campaign accounts and to impose the penalties for excessive expenditure.
 - vii. Independent candidates may stand for election as individuals.
 - viii. The right for non-partisan observer groups to monitor the election.
 - ix. That relatively minor irregularities, such as displaying campaign material within a 50m radius of a polling station do not result in the dissolution of a Polling Board and the need to repeat voting.
 - x. Results detailing each polling station are published in a timely manner and publicly available.

*** ELECTION ADMINISTRATION**

2. For national elections the intermediate level election administration should be re-instituted, either as Constituency, District or Municipal Election Commissions.
3. Although parties in the transitional government were in practice able to nominate members of the REC, consideration should be given to ensuring the political pluralism of election commissions in their permanent composition in future elections. Steps should

³⁹ See ODIHR "Guidelines to Assist National Minority Participation in Electoral Process", Warsaw 2001.

be taken to ensure that authorised representatives of the political forces contesting the election join election commissions and Polling Boards at the earliest possible opportunity.

4. Procedures for nominating Polling Boards should be reviewed to ensure that parties' failure to nominate representatives cannot prevent the opening of polling stations.
5. The State administration could make greater efforts to ensure that all parts of society are represented more fully when appointments are made to election commissions, thereby including more women and representatives from the national minorities in decision making.

* **VOTER REGISTERS**

6. The decision to create a national computerised voter register is welcome. However, legislation regulating its compilation and maintenance may be required. The realisation of an inclusive and accurate register will require a long-term effort.
7. The Law should require voter registers to be publicly displayed well in advance of an election.

* **THE MEDIA**

8. The Supervisory Board should be abolished and re-instituted as a permanent broadcast regulatory body with a professional non-partisan membership, and with a clear mandate and enforcement powers.
9. Penalties for breaching the pre-election campaign silence period should be stipulated. The silence may be reduced to 24 hours.
10. The new Public Information Law should be used to develop *RTS* into a true public service broadcasting company. Steps should be taken to ensure its independence and impartiality.
11. The Law does not provide sufficient provisions for equal coverage to all candidate lists. The Law should ensure contestants access to media outlets under equal conditions.

* **ELECTION DAY ISSUES**

12. Polling locations should be selected to ensure they are of a suitable size and offer elderly and disabled voters the opportunity to vote unimpeded. The quality of voting screens should be improved to ensure voters enjoy privacy when marking ballots.
13. The REC could provide Polling Boards with guidelines on the layout of the polling stations, and intermediate level commissions should conduct training sessions for Polling Boards to ensure, *inter alia*, group voting cannot occur and the secrecy of all voters is ensured.

* **ELECTION COMPLAINTS AND APPEALS⁴⁰**

14. The REC should not rule on complaints against its own decisions as this does not provide for adequate legal redress.
15. Citizens should be able to appeal directly to a local court concerning infringements of their electoral rights.
16. Parties should be given more time to notify the REC of election day complaints and the timeframe for the REC to adjudicate these complaints should be sufficient for each to receive a proper hearing.

⁴⁰ See ODIHR "Generic Election Disputes Resolution Guidelines", Warsaw 2000.