

INTERIM REPORT No. 2
16 – 28 April 2008

Executive Summary

- Preparations for the parliamentary elections proceed in an orderly manner. The Republic Electoral Commission (REC) continues to operate collegially and professionally. In order to address the additional tasks related to the parallel conduct of local elections in Kosovo, the REC decided that for these elections it would operate in a ‘special composition’, according to specific rules of procedure.
- Registration of candidate lists was generally inclusive, with 22 candidate lists of parties, coalitions and groups of citizens registered by the REC by 28 April. These included ten lists of national minorities; two lists were rejected by the REC.
- The OSCE/ODIHR Limited Election Observation Mission (LEOM) was unfortunately not allowed to observe the verification by the REC of citizens’ signatures in support of candidate lists.
- The election administration at the local level appears to be operating professionally, and election preparations are running according to schedule.
- Campaign activities have significantly increased, with more billboards, TV paid advertisement and campaign events for all key contestants evident throughout the country. While the campaign atmosphere is generally peaceful and calm, a measure of tension has been observed in the Sandzak region of southern Serbia.
- The Government and the National Assembly have not acted upon a request from the REC to establish a Supervisory Board to monitor the conduct of all the media, political parties and other participants in the electoral process during the campaign, as prescribed by the Law on Election of Representatives (LER).
- The tone of the coverage of the campaign in the media outlets monitored by the OSCE/ODIHR LEOM remained predominately neutral. The main public television RTS 1 dedicated 37 per cent of its coverage of the campaign to the coalition led by the Democratic Party of President Boris Tadic, 24 per cent to the list led by Serbian Democratic Party of PM Vojislav Kostunica, and 15 per cent to the Serbian Radical Party.
- Over the reporting period, eight new complaints related to the parliamentary elections were submitted to the REC. However, none of them were upheld.

Election Administration

The REC continued to conduct its activities collegially and professionally over the reporting period. The extended composition of the REC is being increased to include representatives of the submitters of the electoral lists, as they are registered.

The REC has established 8,387 regular polling stations for the conduct of the 11 May elections. In addition, it has foreseen 295 polling stations in five administrative districts in Kosovo for the parliamentary and the local elections. Additionally, there should be some 149 special polling stations for internally displaced persons (IDPs) voting throughout the country (see below, Voter Registration).

On 23 April 2008, the REC established 79 polling stations in 42 countries for out-of-country voting, 13 polling stations more than for the last presidential election. Some REC members expressed concern about the extended composition of a number of polling stations abroad linked to expected problems with obtaining visas for the appointed members who would travel from Serbia.

The OSCE/ODIHR LEOM has an overall favourable assessment of the election administration at the local level. Many election officials have a legal background, and – due to the number of elections held in recent years – a good experience of the conduct of elections. The election preparations appear to be running on schedule and the flow of communication between the REC and the LECs is usually good.

The REC unanimously approved the application for accreditation by the Embassy of the Republic of Slovakia to observe the parliamentary elections. So far, it is the only request for accreditation for observers from the resident diplomatic community. The REC has received applications for accreditation of international observers from the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE), the Commonwealth of Independent States (CIS), the Duma of the Russian Federation and the Russian Federation Central Electoral Commission.

In order to address the additional tasks involved with the conduct of local elections in Kosovo, the REC began on 20 April to operate in a ‘special composition’ and under a specific set of rules of procedures when dealing with local elections in Kosovo.

Electoral Lists Registration

Registration of candidate lists was generally inclusive, with 22 candidate lists of parties, coalitions and groups of citizens registered by the REC by 28 April.¹ These included ten² lists of national minorities.

¹ For a European Serbia - Boris Tadić; Liberal Democratic Party – Čedomir Jovanović; Democratic Party of Serbia - New Serbia – Vojislav Koštunica; Serbian Radical Party - Dr Vojislav Šešelj; Socialist Party of Serbia (SPS), - Party of United Pensioners of Serbia (PUPS) – United Serbia (JC); Bosniak List for a European Sandzak – Dr Sulejman Ugljanin; Hungarian coalition - Ištvan Pasztor; Reformist party - Dr Aleksandar Višnjić; Let the village voice be heard – Peoples’ Peasant Party – Marijan Rističević; The Force of Serbia Movement - Bogoljub Karić; The Civic Initiative of Gorani-GIG; United Vlachs of Serbia; Vojvodina Party- Mr Igor Kurjački; Roma for Roma - Miloš Paunković; Montenegrin Party -Nenad Stevović; Union of Roma of Serbia - Dr Rajko Đurić;Coalition of Albanians of Preševo

Two submitted lists were rejected by the REC³. A list submitted by the Socialist Party of Freedom was rejected on the basis that the name of the list differed from the name of the party, in contradiction with article 42.1 of the LER. This led to a controversy among REC members, in particular in view of the different approach taken previously in a similar case.⁴ By the time of the reporting, some REC members were expecting the party to appeal to the Supreme Court.

Although several of the minority parties⁵ criticized the requirement to collect 10,000 rather than 3,000 signatures as in the 2007 elections, and reported difficulties to do this, nearly all of them were able to fulfil this provision of the law. Minority parties are participating in these elections both in coalitions with mainstream parties or with individual lists⁶.

In order to give their signature in support for a list of candidates, voters must sign in person or through a proxy, upon presenting an identification document and payment of RSD 50, in front of a court clerk ('referent') serving at the competent court⁷. Following notification by the nominating contestant, the court designates one or more clerks to verify the voters' statements, stamp the statements and collect the court fee.

While this process seems to offer guarantees that signatures delivered by the submitters of candidate lists to the REC would be valid, the REC must still establish that the number of submitted signatures is at least 10,000, and that each voter has signed in support of only one list of candidates. Indeed, in accordance with Provisions of Chapter IV of the LER, the REC should confirm the eligibility of an electoral list within 24 hours of submission of the request. Verification was partially made on the basis of the signatures of the voters supporting the electoral list. Submitters were obliged to put forward the original hard copy of 10,000 signatures⁸ as well as an electronic list containing data of the supporters. REC teams counted and verified the

Valley; Alliance of Bački Bunjevci - Mirko Bajić; Movement My Serbia- Branislav Lečić; People's Movement for Serbia - Milan Paroški; Patriotic Party of Dispora - Zoran Milinković; Roma Party - Srđan Šajn

² Bosniak List for a European Sandzak – Dr Sulejman Ugljanin; Hungarian coalition - Ištvan Pasztor; The Civic Initiative of Gorani-GIG; United Vlachs of Serbia; Roma for Roma - Miloš Paunković; Montenegrin Party -Nenad Stevović; Union of Roma of Serbia - Dr Rajko Đurić; Coalition of Albanians of Preševo Valley; Alliance of Bački Bunjevci - Mirko Bajić; Roma Party - Srđan Šajn

³ Socialist Party of Freedom, and Croatian Bunjevac Sokac Party

⁴ According to arguments given by some members of REC, in a somewhat similar case, a candidate list deposited by Marijan Rističević's People Peasant Party had been registered by REC, although in view of its documentation, it should not have, in particular since the support signatures had been given by voters to a list titled "Let the Village Voice be Heard" while the electoral list was submitted under a different title ("Let the Village Voice be Heard – Peoples' Peasant Party – Marijan Rističević").

⁵ The Union of Roma in Serbia (URS), the Montenegrin party (CP) and the Albanian Party for Democratic Action (PDD).

⁶ The Sandzak Democratic Party (SDP) is a member of the coalition "For a European Serbia-Boris Tadic", while the representatives of the Croats and Slovaks from Vojvodina are part of the Democratic Party (DS) candidate list within this coalition list.

⁷ Art. 43, LER. This procedure is conducted in line with the Law on Certification of Signatures, Manuscripts and Transcripts (Official Gazette of Republic of Serbia, No. 39/93).

⁸ Forms NP-7/2008 and NP-8/2008 as established by Art. 54 of the Instruction on the Enforcement of the Law on the Election of Representatives.

signatures. The CD containing the supporters' data⁹ was conveyed to the Ministry of Interior (MUP) for authentication of personal ID numbers. The authentication resulted either in the proclamation of the list as officially registered, or in a request to correct supporting documents within 48 hours.¹⁰

While the OSCE/ODIHR LEOM was not authorised to observe the verification of support signatures by the REC, from the summaries of the REC sessions, it is clear that on several occasions, at least a limited number of signatures of deceased persons and persons under 18 years of age were found during the process of verification by the MUP and the REC. During the 87th session on 24 April, some REC members suggested that a follow up is necessary on the question of the implementation of the legal provisions for laying down certified signatures. Finally, while the MUP is instrumental in performing the above mentioned verification, it must be noted, however, that its role in this stage of the process is not envisaged anywhere in the law.

Voter Registration

While the majority of stakeholders have expressed trust in the accuracy of the voter register, some have voiced concerns about names of deceased persons being still in the register. The OSCE/ODIHR LEOM is aware of inconsistent procedures for the public display of the voter register which should allow citizens to check their entry and to request corrections and modifications. For instance, in Belgrade and Knjazevac, individuals can only check their own data online, on the telephone or by asking the municipal administration specifically, whereas in Vranje, Bujanovac, Presevo and Bosilegrad, voter lists are on public display.

The 16 April 2008 amendments to the 'Rules of Procedure on the Work of Voting Boards for the Coordinated Conduct of all elections called for 11 May' foresee that voters whose names do not appear in all voter lists for the respective parliamentary, local or provincial (in Vojvodina) elections in polling stations on election day, will not be allowed to vote for the elections for which their name does not appear in the relevant voter list.

The Instruction for Enforcement of Local Elections called for 11 May 2008 on the Territory of the Autonomous Province of Kosovo and Metohija¹¹ provides for internally displaced persons (IDPs) to be registered in special abstracts of the voter register¹² of the municipality where they have temporary residence and to vote at special polling stations. This new modality of registering IDPs could have an impact on their participation during the vote for both parliamentary and local elections. For past elections, IDPs could normally register and vote in a polling station closest to their domicile. For the upcoming elections they will have to vote in a specific location within their municipality of residence. The REC issued an explanation to municipal authorities on how to prepare the special extracts of the voter register for IDPs.

⁹ Art. 28, Instruction on Enforcement of the LER.

¹⁰ Art 46, LER.

¹¹ Adopted by the REC on 9 April 2008

¹² Art. 13, para 3, LER and Arts. 2 and 4a, of the Instruction.

Campaign Environment

Campaign activities have significantly increased with many more billboards, TV spots and campaign events by all key contestants throughout the country. With the exception of Sandzak, where the majority of the electorate appears to be both politically and religiously divided, the campaign atmosphere is generally peaceful, calm and free from tension. Outside Belgrade, the main campaign technique at district and local level is door to door, and meetings in private houses, resulting in a more discreet campaign style outside the capital. The OSCE/ODIHR LEOM has observed a generally level playing field for political contestants, with only a few allegations of abuse of office, mainly at local level.

The themes of the campaign have not changed. Kosovo and relations with the European Union (EU), in particular the possible signing of the Stabilisation and Association Agreement (SAA) with the EU, continued to be issues of contention between the Democratic Party (DS) and Democratic Party of Serbia (DSS), the former governing coalition partners. The DS continues to promote Serbia's EU integration whilst Prime Minister Kostunica's DSS-NS coalition runs a strong national oriented campaign in which Mr Velimir Illic, the leader of the New Serbia party, has made personal attacks against former coalition partners and criticises the EU.

The main opposition party, the Serbian Radical Party (SRS) is calling for an end to the extradition of Serb citizens to the International Criminal Tribunal for the former Yugoslavia (ICTY). The SRS Vice-President, Mr. Tomislav Nikolic, has intensified his calls for a post-election coalition with DSS to defend the national interests of Serbia.

There has been an increase of personal accusations between leading politicians. In a few instances, strong language was used against competitors and national minorities, without any significant reaction by the public or the media.

Media

The General Binding Instructions for Broadcasters obliges public broadcasters to provide all electoral contestants with equal and free-of-charge time. On 29 April 2008, Public Broadcaster Radio Television of Serbia (RTS) is expected to distribute free airtime slots through a lottery. Each registered candidate list will receive 40 minutes of free airtime on RTS 2. Furthermore, according to the General Binding Instructions, private electronic media should not sell more than 120 minutes of paid advertising time per day and should not broadcast more than 30 minutes of paid advertisements per day during prime-time from 18.00 to 22.00. Private electronic media are also following these instructions.

The OSCE/ODIHR LEOM media monitoring results from the period 3-23 April 2008 indicate that the media are focusing on the candidate lists competing in both parliamentary and local elections to be held on 11 May. There is extensive coverage of the activities and statements of government officials, and continued regular reporting of disagreement between DS and DSS on prominent issues.

RTS 1 dedicated 37 per cent of its campaign coverage time¹³ to the DS-led coalition electoral list, 24 per cent to DSS-NS list, 15 per cent to SRS, 13 per cent to the LDP list, and 11 per cent to SPS-PUPS-JS. Other contestants were mentioned only on the occasion of registration of the respective list.

Private TV channels provide campaign coverage in a variety of different formats including debates and talk shows. While representatives of key contestants have been taking part in the debate programs, to date there has not been a face-to-face debate between the leaders of the DS-led coalition, the SRS and the DSS-NS. Private TV B92 dedicated 39 per cent of its electoral campaign coverage to DS, 29 per cent to DSS-NS, 13 per cent to SPS-PUPS-JS, 12 per cent to SRS, and seven per cent to LDP. TV PINK provided 47 per cent to DS, 32 per cent to DSS-NS, eight per cent to SPS-PUPS-JS, seven per cent to LDP, and six per cent to SRS.

Print media have displayed a variety of opinions and political preferences and have covered the election campaign extensively. With the exception of the tabloid newspaper *Kurir* which dedicated 49 per cent of its coverage of DS in a negative tone, the overall tone of the coverage in the monitored media outlets remained predominately neutral.

On 17 April 2008, the REC took a decision to request the government and the National Assembly to establish a Supervisory Board to monitor the conduct of all the media, political parties and other participants during the campaign, as prescribed by the Law on Election of Representatives. This request was not yet acted upon.

In the absence of a Supervisory Board intended to oversee all media, the only regulatory body is the Republic Broadcasting Agency (RBA), whose competence is limited to broadcast media. To date, only one complaint has been submitted to the RBA: On 17 April 2008, the List for Sandzak (LZS) filed a complaint that they were not receiving any coverage of their campaign activities. The OSCE/ODIHR LEOM is attempting to obtain details of what actions the RBA has taken on this complaint.

Complaints and Appeals

Between 15 and 28 April, the REC received eight new election complaints. These included, among others, a complaint of the Municipal Committee of the Alliance of Vojvodina Hungarians from Žitište against the local Municipal Election Commission regarding the distribution of seats in the permanent composition of the polling boards. It was dismissed as not submitted according to the legal deadlines. An individual submitted a complaint on the failure of the REC to establish the above-mentioned Supervisory Board, which was dismissed as unfounded by both the REC and by the Supreme Court of Serbia.

There was also a complaint by the Reformist Party claiming that the REC had failed to provide timely and impartial information on the programs and activities of candidates to the citizens, and a complaint by a candidate of the - still not registered party - of Christian Community "Unity", which was handwritten and therefore had to be re-submitted.

¹³ This includes the airtime dedicated to the campaign in news broadcasts, debates, interviews, and current affairs programmes.

Four complaints concerned the Socialist Party of Freedom; one was submitted by an individual alleging the falsification of her signature in support of its electoral list, another one filed by a candidate of the list from SPS–PUPS–JS regarding REC’s conclusion on the registration of the Socialist Party of Freedom. The other two were filed by the Socialist Party of Freedom itself against the requests of the REC to put the name of its list in conformity with Art. 42 (1) of the LER. All these complaints were dismissed as unfounded, or rejected for failing to constitute a formal complaint.

OSCE/ODIHR LEOM Activities

During the reporting period, the OSCE/ODIHR LEOM continued its regular activities, meeting state officials, the election administration, party representatives, court officials, media representatives, diplomatic missions and representatives of civil society. The OSCE/ODIHR LEOM gave a first briefing to representatives of the diplomatic community in Belgrade on 18 April 2008, a second is scheduled for 29 April. The OSCE/ODIHR LEOM received a visit by representatives of the OSCE Parliamentary Assembly on 22 April. LTOs deployed throughout the country continue to observe electoral preparations and the campaign in the regions.