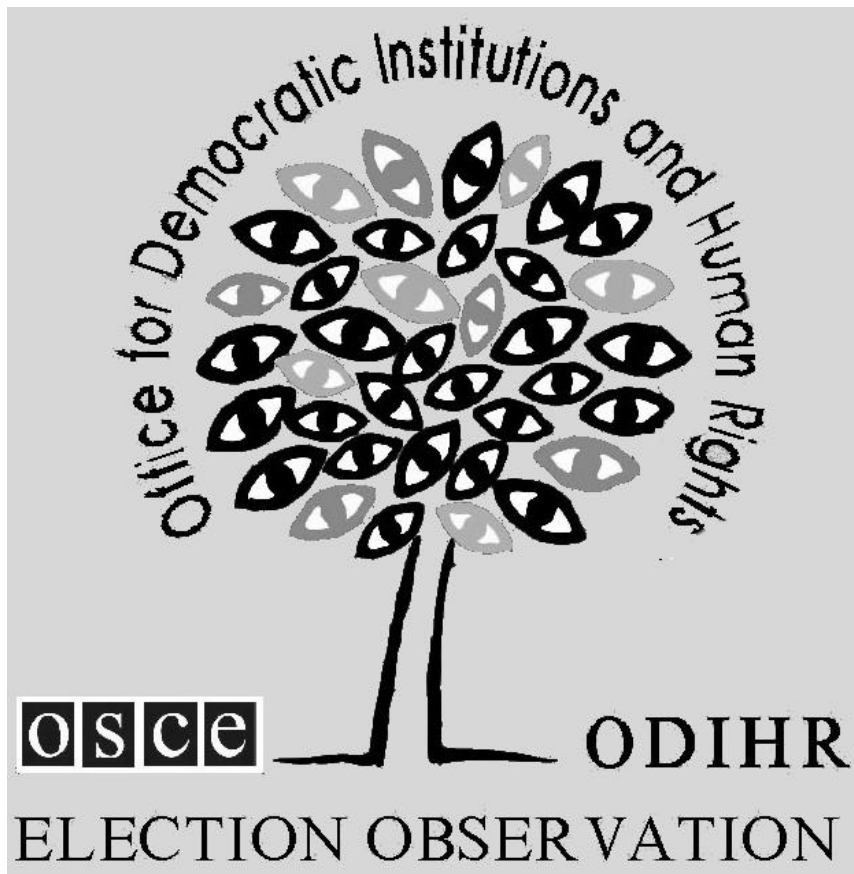




Office for Democratic Institutions and Human Rights

REPUBLIC OF SERBIA

RERUN OF THE PRESIDENTIAL ELECTION  
DECEMBER 7 AND DECEMBER 21, 1997



# **CONTENTS**

## **INTRODUCTION**

## **SUMMARY OF CONCLUSIONS**

## **ELECTION ADMINISTRATION**

- Legislative Framework
- Composition of Election Commissions
- Registration of Candidates
- Voter Registration
- Ballot Printing and Distribution
- Mail Voting in Military Barracks and Prisons
- Regulations for Observers
- Aggregation of Results
- Publication of Results

## **MEDIA**

## **ELECTION DAY FRAUD IN KOSOVO REGION**

## **RECOMMENDATIONS**

## **ANNEX**

## INTRODUCTION

*Upon receipt of an official invitation on August 14, 1997 to the OSCE Chairman-in-Office from Mr. Milan Milutinovic, then Federal Minister for Foreign Affairs of the Federal Republic of Yugoslavia, the OSCE observed the Parliamentary Elections in the Republic of Serbia on September 21, 1997 and the Presidential Elections on September 21 and October 5, 1997. In its Final Report on these elections the OSCE concluded that the overall election process was fundamentally flawed and the serious issues raised in the 1996 Gonzales Report still remained unresolved.*

*The Presidential Election from September 21 and October 5, 1997 could not be validated due to less than a 50% voter turnout and was re-scheduled for December 7, 1997. In order to monitor the rerun, the OSCE / ODIHR deployed on November 15, 1997 a Technical Assessment Team. This Technical Assessment Team conducted a focused observation of the election administration, and in particular it assessed any steps taken to address the concerns and recommendations contained in the OSCE / ODIHR Final Report on the Parliamentary and Presidential Elections of September 21 and October 5, 1997.*

*The Technical Assessment Team is to be regarded as a continuation of the OSCE / ODIHR Election Observation Mission for the September 21/October 5 Parliamentary and Presidential Election in the Republic of Serbia. Therefore the present Report supplements the October 1997 OSCE / ODIHR Final Report. Due to the practical impossibility of amending the legislative framework for the elections between the September 21/October 5 elections and the Presidential rerun of December 7/December 21, 1997, the present Report is focused on the performance of the election administration during the rerun of the election. A number of election day findings believed to be specific to the Kosovo region are also discussed.*

*Mr. Anthony Welch (UK) was appointed for the first round of the rerun as the overall Co-ordinator of the Technical Assessment Team, and Mr. Nikolai Vulchanov, ODIHR Election Advisor, served as Technical Co-ordinator during the first round. Thirty Election Experts from the Bulgaria, Canada, Denmark, France, Germany, Greece, the Netherlands, Norway, Sweden, the United Kingdom and the United States of America were deployed at central and regional levels to observe the legal and administrative aspects of the election process. The Experts were willing also to give advice upon request after co-ordination with the Technical Co-ordinator in Belgrade.*

*Mr. Kåre Vollan was appointed as the overall Co-ordinator of the Technical Assessment Team for the second round of the Presidential rerun on December 21, 1997 upon being seconded by the Government of Norway. Mr. Nikolai Vulchanov, ODIHR Election Advisor, again served as Technical Co-ordinator during the second round. Thirteen Election Experts from Bulgaria, Germany, Greece and the United Kingdom, were deployed at central and regional levels to observe the election process and to give advice*

*upon request.*

*As part of the OSCE / ODIHR Technical Assessment Team, and financed by the Italian Ministry for Foreign Affairs, the Osservatorio della Comunicazione Radio Televisiva di Pavia (hereafter Osservatorio di Pavia) conducted a specialised monitoring of the media with full coverage of the two State Television Channels during the two rounds of the Presidential rerun on December 7 and 21, 1997.*

*The OSCE / ODIHR would like to acknowledge the co-operation on the part of the Republic Electoral Commission (REC) during the period that the Technical Assessment Team was deployed in the Republic of Serbia. The authorities did attempt to respond to enquiries when further clarification of the election regulations was needed. The main political parties were willing to meet with the OSCE / ODIHR Technical Assessment Team upon request. The only exception was the Serbian Radical Party who refused to meet OSCE representatives.*

## **SUMMARY OF CONCLUSIONS**

**The OSCE Technical Assessment Mission for the Presidential rerun from December 7 and 21 1997, as stated in the post-election preliminary statement of 22 December 1997, has determined that the overall election process in the Republic of Serbia is fundamentally flawed, and has offered a distinct advantage to the candidate of the Left Coalition (SPS JUL-ND).**

**In reference to the Gonzales Report that followed the flawed municipal elections of 1996, one of the main recommendations was the need to establish a dialogue between all political forces in the country. Such a dialogue was seen as essential in order to create a broad consensus on the election system and its administration, and thus achieve an environment where all parties could have confidence in the integrity of the election process. Such a dialogue has not yet taken place.**

**The recommendations contained in the October 1997 OSCE/ODIHR Final Report were not seriously addressed by the Serbian authorities. The limited attempts to improve the uniformity and transparency of the election process were insufficient, resulting in the fact that the integrity of this election process has been seriously compromised.**

**The OSCE Technical Assessment Team recognises the fact that there were no possibilities to formally amend the existing election laws between the September 21/October 5 elections and the December 7/ December 21 Presidential rerun in line with the OSCE recommendations. The OSCE/ODIHR regrets to conclude, however, that even those recommendations that could have been addressed in the context of the existing legislative texts, were not seriously addressed. The following aspects of this election process are of particular concern:**

### **• Election Fraud in Kosovo**

**There is clearly a distinct election pattern in the Kosovo region characterised by abuse of the election administration and blatant election fraud. There was a low voter turnout and some polling stations did not open at all. Despite this fact the election results from such polling stations were officially tabulated, with turn-out close to 100% and close to 100% vote in favour of the candidate of the Left Coalition (SPS-JUL-ND).**

**The OSCE would strongly recommend that the REC undertakes an immediate investigation in order to review the factual evidence that clearly demonstrates electoral fraud, and establishes the scale on which such fraud has occurred.**

### **• Media Bias**

**The State Television news broadcasts exhibit a clear and consistent bias, both in time allocated and in editorial content, in favour of the candidate of the Left**

Coalition (SPS-JUL-ND). This was confirmed by both the Osservatorio di Pavia and the European Institute for the Media. A negotiated accord concerning the distribution of frequencies, as recommended in the 1996 Gonzales Report, has still not been implemented.

- **Failure to Secure Multi-Party Control of Election Process**

The lack of guarantees for multi-party control of the election process at the municipal level collection points during the vote count and aggregation process, has introduced a serious shadow on the transparency of the election process and violates both the spirit and the letter of the election law, which is intended to secure multi-party control of the process. The introduction of collection points at municipal level, which may be a useful administrative arrangement, is not envisaged in the present election laws, and does not secure multi-party control at this crucial stage in the vote count and aggregation process.

- **Denial of Accreditation to Domestic Observers**

The Republic Election Commission continues to deny the accreditation of domestic election observers, despite the OSCE Copenhagen Document, which recognises that domestic observers can enhance the integrity of the election process.

- **Failure to Publish Preliminary Results**

The Republic Election Commission seriously neglects to publish preliminary and intermediate post-election results, including voter turn-out figures. It has relinquished this role to the parties which often reported contradictory figures.

- **Publication of Full Final Results not Made Public**

The publication of official election results in the Republic of Serbia is not transparent. Despite the fact that detailed results by polling stations are published reasonably quickly, they are published in very limited quantities and are not made publicly available.

## **ELECTION ADMINISTRATION**

### **Legislative Framework**

The legislative framework for the Presidential rerun from December 7 and 21 1997 comprised the same Election Laws and supplementary regulations of the Republic Election Commission (REC), published in the *Book of the 1997 Election Regulations - Final Texts*.

This rerun was the first time that a presidential election in Serbia took place without a simultaneous parliamentary election. This gave rise to additional problems concerning the composition of the expanded make-up of the election commissions at all levels and the responsibilities of the REC in the light of the Art.5 of the Law on Electing the President of the Republic. These problems were addressed by the REC in a reasonably satisfactory manner.

### **Composition of Election Commissions**

The permanent make-up of the REC and the Unit Election Commissions (UECs) were the same as for the September 21/October 5, 1997 elections. In a limited attempt to improve the uniformity of the election administration of the election process, the REC issued a number of new decisions concerning mainly the composition of the expanded make-up (representatives of the competing political interests) of the REC, the UECs and the Polling Board Commissions (PBCs). However, the guarantees that less than half of the commissioners in each election commission or polling board represented one political interest (Art.33 of the Law for the Election of Representatives) remained a major problem. It has also to be noted that the expanded make-up members, for the first round of December 7, joined the permanent staff of the UEC's at different stages in the process, ranging from November 26 to December 2 for the level of the UEC's.

The issue of the uniform and timely payment of the fees to the PBC and even the UEC members also seems to be unresolved as yet. The OSCE / ODIHR experts reported that representatives of the Serbian Renewal Movement in UECs 19, 20, 21 and 26 had not yet received payment for the September 21/ October 5 elections. In an interview with the OSCE / ODIHR Experts, the REC Liaison for the Technical Assessment Team was not able to explain the mechanism that guaranteed timely and uniform payment, particularly to the expanded PBC members.

### **Registration of Candidates**

For the Presidential rerun on December 7, 1997, thirty two (32) candidates applied for registration at the REC but only seven (7) of them were formally registered to compete in this election. According to the REC, most of the individuals denied the status of a candidate failed to provide the 10,000 valid signatures supporting their candidacy, as required by Art.3 of the Law on Electing the President of the Republic. Six (6) of the rejected applicant candidates appealed to the Supreme Court, which confirmed the REC decision.

Upon enquiry about the rules and procedures defining the check of the validity of the

10, 000 signatures necessary for the registration of the candidates, the REC stated that this check is performed by the Police Department at the Ministry of Interior, on the basis of graphological expertise for the validity of each individual signature, and the National Residence Register for the validity of the other data provided.

The Director of the Police informed the OSCE experts that the check is done following instructions of the REC. The REC was unable to provide a written copy of the instruction to the Ministry of Interior, and stated that the Police Department was actually working according to its own methodology.

The OSCE / ODIHR Technical Assessment Team requested, but was unable to receive, any details about this methodology. This raised some questions about the transparency of the process for the validation of the signatures supporting the individual candidates. It seems, however, that a sample check was performed, with an extended check undertaken upon suspicion of invalid signatures. However, it is important to note that it could not be ascertained that a clear procedure is established for the extended check of signatures in cases where a sample has raised validity questions.

### **Voter Registration**

The Voter Registers are still not sufficiently and regularly cross-checked against reliable citizens' registers to avoid inaccuracies. There are two parallel registers that exist, the National Residence Register (NRR) which is under the responsibility of the Ministry of the Interior, and the Voter Register, which is under the responsibility of the Municipalities. The Technical Assessment Team did ascertain that the Voter Registers contained double entries and entries of deceased people, although the extent of such inaccuracies could not be determined. As the Voter Registers were maintained separately by municipalities, based upon copies of individual changes, this is not surprising.

The problem with the accuracy of the register will not be resolved until either the voter register is drawn entirely from the NRR, or until the voter and residence registers are continuously cross-checked against one another. Further, due to the different levels of computerisation of the individual Municipalities, the process of updating the voters registers with data of the NRR, which is presently the responsibility of the Municipalities, is not uniform across the country. This will remain the case as long as the Voter Registers are maintained and updated at the municipal level, rather than at a central level where the voter register could be directly drawn or regularly cross checked against the NRR.

The guarantee to meet the requirement of Art.15 of the Law on the Election of Representatives (“the name of each voter should appear once and only once in one and only one polling station voter register extract”) is supposed to be the unique 13-digit Personal Identification Number (PIN) of the citizens of Serbia. This is also a key entry for the data in the NRR. However, at present, this provision is not fulfilled, since the regular checks of the NRR computer database necessary to correct inevitable technical errors are not made.

A public information campaign should notify all citizens of the procedures for securing their accurate information on the NRR. It is a fact, however, that the accuracy of the NRR



depends on the willingness of the citizens to follow the procedures when they change their place of residence.

The unwillingness of the majority of the citizens in Kosovo to co-operate with the authorities is a specific and significant source of inaccuracy of the voters' registers and of the NRR for this part of the country.

### **Ballot Printing and Distribution**

OSCE / ODIHR Election Experts followed the procedures for ballot production and dissemination. The ballots were printed in the "Politika" Printing House as for the 1997 Parliamentary and Presidential elections. The Experts were told that this Printing House was selected again because it gave the best offer after a tender, but they were silently refused to see both the tender papers and the contract for the ballot production. The paper for the ballots, produced in Poland and imported from Cyprus, was an ordinary water mark offset paper with no particular safeguards.

The Experts concluded that the actual printing of the ballots was generally satisfactory and did include a number of safeguards. However, the parcels of ballots comprising the quantity of ballots for each individual election unit were not individually numbered, which would facilitate the control of the number of ballots being distributed. Moreover, the requirement of Art. 42 (5) of the Law on the Election of Representatives, stating that the UEC should stamp each ballot individually, was not fulfilled since the ballots were printed with the stamp in the Printing House.

The dissemination of the ballots from the central level to the UEC level was found generally satisfactory. There was, however, at least one example, UEC 23 - Nis, when the ballots were picked up at the Printing House not by members of the UEC, as required to ensure multi-party control of the process, but by a staff member of "Struchna Sluzba" This is an "Expert Service" or administrative staff with 13 staff members and no legally defined responsibilities, which may raise concerns that the administrative staff may be exceeding its powers to the detriment of multi-party control by the commissioners.

The delivery of the ballots from the UEC level to the PBC level usually takes place at the municipalities (the same "intermediate collection points" which are non-existent in the legal framework for the elections). Ballots are delivered usually by one UEC member to the Presidents of the PBC and the latter are responsible for the ballots from the moment of delivery until the opening of the polls, a period of time normally exceeding 24 hours. In some instances the PBC Presidents kept the ballots at home in the course of 24-48 hours.

It is certainly the case that multi-party control of the ballots upon their delivery at local level and prior to the commencement of voting, was generally impossible due to the fact that the expanded make-up members are not fully included in this stage of the process. As this stage in the process is not secured by multi-party control, which may not be generally possible for logistical considerations, it is crucial that there is a procedure for not validating the ballot until it is issued to the voter in the polling station. This is exactly the reason why the control of the ballot in the polling station, by stamping each ballot with a stamp specific to that polling station, upon the issuance of the ballot to the voter, is so

important.

The Election Experts observed a number of instances of lack of transparency and uniformity in respect of accountability of the ballots - the proper proceeding is the filling and signing of the form PRS-14 providing accountability in the dissemination of the ballot papers (UEC 12 - Valjevo, the Municipality of Ub). A certain degree of non-uniformity was established also in respect of the storage of the PRS-14 forms - in some places they were kept in the Municipalities, in other - at the UEC offices (which is the procedure foreseen in the Law).

### **Mail Voting in Military Barracks and Prisons**

The voting by mail and, in particular the voting of the electors doing their national service in the units of the Yugoslav Army and the electors in custody, continues to be a very serious issue. The Election procedures in the units of the Yugoslav Army and the Prisons are administered by permanent employees of the Army and the prison Authorities, respectively. No provisions for monitoring the elections in these particular places both by party representatives and non-partisan observers exist and the transparency of the election process is a serious concern.

The OSCE / ODIHR Election Experts attempted to assess in detail the voting procedures for military conscripts and prisoners. They were not successful in their contacts with the prison authorities. They were, however, able to meet military authorities in Belgrade that were willing to discuss military conscript voting procedures with the OSCE / ODIHR Experts. These discussions raised some questions regarding the basic issue of the number of conscripts eligible to vote. The Director for Information of the Yugoslav Army, on two previous occasions, gave significantly contradictory figures.

In addition, the OSCE/ODIHR Elections Experts were also presented with an Instruction clarifying the voting of the conscript voters in the units of the Yugoslav Army. However, although this Instruction was duly dated, signed and stamped, it referred all along to the Municipal Election Commissions which were irrelevant both to the September 21/October 5 1997 Parliamentary and Presidential Elections, and the Presidential rerun of December 7/December 21 1997.

The OSCE/ODIHR Election Experts were unable to understand whether the initiation of the voting procedures for conscripts is a duty of the Municipal authorities or of the Military authorities. This lack of clear responsibilities caused significant delay in the preparations for the military vote.

Moreover, the fact that it is likely that there will be conscripts from municipalities in each military base creates very complex administrative procedures for the conscripts votes.

It remains also unclear whether the election correspondence is managed by the civic mail services or the military mail. Experts established however that, at least on one occasion (UEC26 - Vranje), the election correspondence reached the military base "in bulk" and not in the form of individual letters to the conscripts.

A definite lack of uniformity was observed in respect of the ballot papers supplied to the conscripts. In some instances, the ballot papers were subtracted from the ballot papers of the polling station where the conscripts resided; in other instances the ballots were taken from the reserve number of ballots (0.5% of the number of registered voters).

### **Regulations for Observers**

Based on its interpretation of Art.36 of the Law on the Election of Representatives, the REC issued a written permission for international observers to be present at all stages of the electoral process.

However, on the issue of domestic observers, the REC failed to offer accreditation, even though the REC had committed itself to endorse the principle of domestic observers. These stated intentions were not acted upon in any concrete manner, and domestic observers were again refused accreditation. Whereas party observers are often only concerned with observing narrow party interests, domestic civic observers are interested in observing the integrity of the election process as a whole. The Centre for Free Elections and Democracy (CeSID in Serbian) was prepared to undertake this important civic duty. It applied and was refused to observe the Presidential rerun on December 7 and 21, 1997. This exclusion runs contrary to the OSCE Copenhagen Document paragraph 8 that states that the presence of both foreign and domestic observers can enhance the integrity of the election process.

### **Aggregation of Results**

The procedures and software used to aggregate the polling station results at the UEC and REC levels were the same as during the September 21/October 5, 1997 elections.

The OSCE/ODIHR Election Experts found that in a number of instances, results were aggregated at the municipal level (Zajechar - UEC 18, Pozharevac - UEC 15, Gorni Milanovac - UEC 20 - Chachak, December 7). In one instance (Zajechar, December 7) this was done before the original minutes were processed by the regional Office of Statistics formally responsible for the aggregation. While this may not have interfered with the official process, it is not conducive to establishing confidence in the vote aggregation, particularly considering the widespread election fraud that occurred during this stage of the process during the 1996 Municipal Elections.

In another instance the Experts witnessed (Gorni Milanovac, UEC 20 - Chachak, December 7) presidents of PBCs delivering minutes to an office in the Municipal Building (the "intermediate collection point"), reported to be the SPS municipal office, before handing them to the UEC representative. Sending the protocols to a party office before the official tabulation is detrimental to the integrity of the process.

### **Publication of Results**

In order to enhance the transparency of the process and the confidence of the electorate, the REC should organise an information flow by announcing preliminary post-election results including voter turn-out figures, to keep the electorate regularly updated with

intermediate results of the vote count until the final aggregation process is complete. The REC failed to meet its responsibility in this regard.

According to Art.100 of the Law on the Election of Representatives, the REC is required to publish temporary data on the results of voting in the electoral districts. In view of Art.6 and 9 of the Law on Electing the President of the Republic, the threshold of 50%+1 of the registered voters is of paramount importance for the outcome of the elections.

As far as intermediate results from the aggregation in the UECs are concerned, there was a statement of intermediate results by the REC before 22.00 on December 21 and the State Television announced that there would be no other intermediate results before 16.00 on December 22, when an official press statement by the Secretary of the REC was scheduled. The REC explained its reluctance to publish intermediate results by its wish to supply the electorate with 100% reliable official information.

However, the wish to supply the electorate with 100% reliable information does not mean that partial results should be withheld. Partial results can be reported with accuracy, but it should be explained that these are partial results and not a prediction of the election outcome. The REC could have clearly stated which constituencies had reported their results and which had not, thereby giving a clear indication on the voting results as reported from different parts of the country.

The Experts were perplexed by the official REC statement at 16.00 hours on December 22 which was based on 95.6% of the registered voters, announced 50.53% turn-out (1% turn-out corresponds to 72 259 voters) and concluded that "...these results undoubtedly indicate that the Presidential rerun is successful...". The actual turn-out at that time in absolute figures was less than 3.61 million participation of voters which was needed to validate the election. So the turn-out figures were not undoubtedly sure but only highly likely. Two hours later the highest Yugoslav authorities celebrated the election outcome. The publication of the election results in the "Official Gazette" of Serbia is dated December 23, 1997, which contrasts with the publication of the results of the September 21 Parliamentary elections which appeared on October 22, 1997 (this late publication was explained to the Experts by the court hearings of the appeals on election results). When OSCE/ODIHR experts met the REC on December 23 they were informed that there were no official results yet available, despite the fact that the "Official Gazette" published the final results on December 23.

The REC being silent after 22.00 on December 21, the State Television gave a broad coverage to the statements issued from the Headquarters of the competing candidates, which reported on the information available from their party sources. Based on the findings of similar situations in previous polls in Serbia (in the autumn of 1997), Election Experts are not convinced that this is the best way to inform the electorate because there are no guarantees that the parties have exact information or that the parties are not misusing their own information. In addition to this, the citizens of Serbia should be supplied with the official information.

To illustrate this point, Experts recall that on December 8, 1997 at 13.15 hours the SPS Spokesperson announced that on the basis of approximately 100% of the election results

the candidate of the Social Democracy, Mr. Vuk Obradovich, had received 122,967 votes, while the final official REC figure was 115,850 votes (at 15.19 hours on December 10, 1997).

The Republic Statistics Institute, which is responsible for the aggregation of the election results at the UEC and REC level, publishes the detailed results by polling stations reasonably quickly - usually in approximately 10 days after election day. These publications, however, appear in a very limited number of copies, approximately 30 copies, and are not made readily available to the public. Moreover the OSCE / ODIHR Experts are unaware of the distribution of the election results in magnetic form, which would assist significantly the political work of the parties and any type of public research on elections.

## **MEDIA**

The OSCE Technical Assessment Team has concluded that the two recommendations in the Gonzalez Report, equal access on the state media and a negotiated accord about the distribution of frequencies, have still not been implemented.

As part of the OSCE Technical Assessment Mission, and financed by the Italian Ministry for Foreign Affairs, the Osservatorio della Comunicazione Radio Televisiva di Pavia (hereafter Osservatorio di Pavia) conducted a Media Monitoring Mission with full coverage of the two State Television Channels during the two rounds of the Presidential rerun on December 7 and 21, 1997. The OSCE Technical Assessment Team would like to express its appreciation of the work of the Osservatorio di Pavia, which provided comprehensive information on the Media situation in Serbia throughout the election period.

The OSCE Technical Assistance Team has confirmed that the state owned media is monopolised by the government, and almost exclusively presents the government's point of view. This problem is exacerbated by the fact that the government has made it practically impossible for independent broadcasters to register for the necessary broadcast frequencies.

Indeed, according to the assessment made by the Osservatorio di Pavia, and confirmed by the European Institute for the Media (EIM) analysis, the State Television continued to show significant bias in the news programming towards the candidate of the Left Coalition (SPS –JUL-ND).

While there was a commendable effort to provide all the candidates with free political advertising, in proportion with their representation in parliament, the main news programmes from which most voters receive their information about campaign allotted a disproportionate amount of time to the candidate of the Left Coalition (SPS –JUL-ND). In general, the media coverage of the rerun of the Presidential elections was less intense compared to the coverage for September 21/October 5 Parliamentary and Presidential elections.

According to the Osservatorio di Pavia, during the coverage of the first round of December 7 on the State Media, 74 % of the coverage of Mr. Milutinovic was positive, while the positive coverage of his major opponents, Mr. Draskovic and Mr. Seselj, were 45% and 9% respectively. The EIM found also that the Belgrade Municipality Station, Studio B, was biased in favour of Mr. Draskovic, while the BK Television was generally balanced.

For the Osservatorio di Pavia, in the week before the second round, the tendency was the same as for the first round: news strongly covered the two candidates, but in different ways. Both in quantity and in terms of editorial coverage, the candidate of the Left Coalition (SPS –JUL-ND), with constant and positive coverage, received a more favourable treatment than his opponent.

According to the EIM, for the second round of December 21, Studio B broadcast mainly negative coverage of both candidates, while the BK Television, although again generally balanced, showed some partiality in favour of the candidate of the Left Coalition (SPS – JUL-ND). The State Television was again strongly and openly biased in favour of the latter candidate.

## **ELECTION DAY FRAUD IN KOSOVO REGION**

OSCE / ODIHR Election Experts found again that there are two distinctly different election patterns in Serbia. While for the most part of the country the elections during voting hours are generally administered adequately at polling station level, in the Kosovo region many serious problems were evident.

OSCE / ODIHR Election Experts reported that some polling stations which did not open at all on election days (see Tables 1 and 2 in the Annex), issued official tabulated results, which show approximately 100% turn-out and approximately 100% support for the candidate of the Left Coalition (SPS –JUL-ND). Other type of discrepancies which were reported, were those in which the polling stations did open but the results were distorted. This was reported from Election Unit 29 - Pech, the Municipality of Pech.

A pattern of potential distortion of the election results is illustrated in the table below (UEC-29-Pech, Municipality of Pech), in which discrepancies are an indication of a systematic problem. Before presenting these figures, the OSCE/ODIHR Technical Assessment Team notes that it does not necessarily take SRS figures as the correct ones. However, the source of SRS figures comes from SRS representatives on Polling Station Commissions, and the consistency of their reported discrepancies with the official results is significant :

Polling Station	Turn-out	Votes for the Left Coalition Candidate	Votes for the SRS Candidate
PSC 011			
SRS Results	65	33	23

Official Results	665	633	23
PSC 058			
SRS Results	638	611	23
Official Results	1638	1611	23
PSC 059			
SRS Results	7	6	1
Official Results	367	366	1
PSC 079			
SRS Results	30	27	3
Official Results	730	727	3

The OSCE/ODIHR Election Experts inquired at the REC as to how all these discrepancies emerged and what the REC attitude was towards them. The REC replied that in all those cases, the polling station minutes were duly signed including by SRS PBC members. The SRS has seemingly not appealed in court against the irregularities they claim to have evidenced. This raises questions about the integrity of information supplied by political parties and underlines the necessity to admit domestic non-partisan observers at all stages of the election process.

It is of great concern that in this Presidential rerun, some irregularities, typical for the Kosovo region were also observed in other regions of the country. For instance, Election Unit 24 - Prokupje: on December 7 some polling stations closed before 20.00, some polling boards did not deliver their election materials at the Municipality but asked other PBCs to do this for them; Election Unit 21 - Kraljevo: the leader of the "Sandjak" coalition claimed ("Nasa Borba", December 23 1997, p.2) that in the Municipalities of Novi Pazar, Sijenica and Tutin the turn-out on December 21 was less than 30%.

## **RECOMMENDATIONS**

The OSCE / ODIHR Technical Assessment Team would like to offer the following recommendations:

### **Multi-Party Dialogue**

The establishment of a dialogue between the major political forces in the Republic of Serbia, both parliamentary and non-parliamentary, to discuss improvements in the electoral process, in order to create a stable environment in which all parties can compete with confidence in future elections.

### **Composition of Election Commissions**

The Serbian authorities should pay attention to amending the electoral law to ensure full-fledged multi-party election commissions at all levels throughout the entire election process. While it is recognised that political parties can presently place members on the expanded staff of the commissions, this is no substitute for full-fledged multi-party commissions. The current appointment of two-tiered election commissions consisting of a permanent core staff who actually administers the election, and party representatives on the expanded commissions, results in the marginalisation of the latter. The decision-making mechanism for the election administration at all levels should require that decisions are based on more than a simple majority.

### **Implementation of the Election Laws**

The Election Administration, at the central and regional levels, did not set forth the clear guidelines necessary for achieving a transparent and uniform process. Although the election laws are vague in many respects, a common interpretation and standard application of the law could permit uniform and transparent elections. However, in order for this to be case, the REC should issue timely and regular rulings and communicate these rulings within 24 hours to the Unit Election Commissions (UECs). A full-fledged multi-party REC should work on a permanent basis from the announcement of the elections until the instalment in office of the newly elected officials.

### **Voter Register**

The accuracy of the Voter Register is best assured by a permanent, well-maintained and centralised Voter Register. The Voter Register could be drawn directly from the National Residence Register (NRR). However, if the present system of maintaining a separate Voter Register at Municipality level is retained, rather than at central level, extracts of the NRR should be made continuously available to the Municipalities for regular cross-checking. The right to easily inspect the Voter Register should be ensured in practice as stated in the law, and the process for amending the register should be explained to the electorate.



## **Ballot Production, Distribution and Security**

Safeguarding the integrity of the ballot is essential for instilling confidence in an election process. All the details concerning the number of ballots to be ordered to the printing house should be contained in an official regulation of the REC, guaranteeing complete accountability for the ballot order, production, packing and delivery process. The law should be amended to provide that the ballot papers should be validated by stamping each of them, at the time of issue to the voter in the polling station, with a unique stamp for each polling station.

In addition, the PRS-14 forms could be uniformly stored in all regions of the country. Given the serious need to enhance the integrity of the election process, the law could also be amended to provide for a public tender for the purchase of the ballot paper and for the printing of the ballots. At a minimum, there should be no special relationship between a political party and the company chosen to produce the ballots, and rules against this should be introduced.

## **Registration of Candidates**

The REC should issue a clear instruction on the procedure for checking the validity of the 10,000 signatures necessary for the valid registration of a Presidential candidacy, and include these procedures in the Book of the Election Regulations.

## **Media**

The state media should become truly independent and obstacles to independent media coverage lifted. The problems of licensing regulations, governing the independent media, need to be urgently addressed. The order and content of television news items, which heavily favoured the Candidate of the Left Coalition (SPS-JUL-ND) in this election, also need to be addressed. The tendency towards selective coverage of opposition campaign events should be corrected, as this, in many cases, distorts political parties' campaign messages.

## **Voting By Mail**

It is strongly recommended that the election process in the Army units and in the prisons be administered by full-fledged multi-party Polling Board Commissions. A new procedure should be initiated which guarantees that the votes of these electors be delivered urgently, before 20:00 hours on the day after polling day, so that they may be aggregated at the respective UEC's. A special regulation should allow for both party representatives and non-partisan observers, including domestic and international observers, to monitor the voting and the aggregation of the votes of the electors serving in the Army and those in custody.

## **Vote Count and Aggregation**

The transparency of the vote count and aggregation procedures should include that the requirement to publicly post results for each polling station at that polling station immediately upon the completion of the count be duly enforced.

Given the present lack of confidence in the vote count and aggregation procedures, and particularly considering the grave and widespread irregularities that occurred during the flawed Municipal Elections of 1996, the following detailed recommendation is made. The receipt forms PRS-15 which confirm the delivery of the polling station results by the Polling Board representatives (which should include three Polling Board members representing different political parties) and the transfer of the results to the Unit Election Commission (which should also be represented by three members from different political parties) should be amended to include all the results for the particular parties and candidates and the voter turnout, in addition to the data already contained in them. These forms should be issued in three copies - one for the Polling Board (which is obliged to display it next to the second copy of the “minutes” or protocol, as described in Article 91a, paragraph 4) , one for the UEC, and the third should be returned to the Municipal Archives. All figures in the “minutes” and the receipts in the above form should be written in digits and in words.

### **International Observers**

Clear guidelines should be set articulating the access for international observers throughout the election process, with clear access to all levels of the election administration, in line with the OSCE Election Observation Methodology.

### **Domestic Observers**

The Serbian authorities have committed themselves to endorsing the principle of domestic observers without further delay. The REC should now take all necessary steps to ensure accreditation of non-partisan civic observers to enhance the integrity of the election process, as stated in paragraph 8 of the OSCE Copenhagen Document.

### **Municipal Delivery Collection Points**

If these collection points should continue to be considered as a useful administrative arrangement, this stage of the vote collection and aggregation process must be amended to secure multi-party control of the process. The law should be amended to elaborate precise guidelines and competencies and the multi-party control over the procedures should be absolutely guaranteed at all stages of the election process, including at this level.

### **Publication of Results**

The REC should meet its responsibility and supply the public with preliminary and intermediate election results, prior to the announcement of the final results. The REC should take the responsibility to publish and distribute the detailed election results by polling station in a sufficient number of copies to the relevant recipients - to the central and local authorities, the political parties, and, for example, to public libraries throughout the country.

## ANNEX

**Table 1.** Election Unit 26 - Vranje, Municipality of Vitina. Selected Polling Station results from the four rounds of voting for the President of the Republic of Serbia.

Polling Station	Reg. Voters 21.09/07.12	Sept.21	Oct.5	Dec.7	Dec.21
		Votes cast/Votes for Candidate of Left Coalition			
004 <sup>+,*</sup>	263/267	0/0	221/219	200/200	231/231
005 <sup>+,*</sup>	314/320	0/0	272/269	320/316	320/317
006	35/37	0/0	0/0	0/0	0/0
007	1152/1168	0/0	1028/1012	0/0	1009/998
008	973/980	88/44	342/293	85/58	853/830
013 <sup>##</sup>	114/116	8/2	0/0	79/70	105/101
014 <sup>#</sup>	109/110	0/0	0/0	0/0	0/0
018	1359/1366	0/0	0/0	0/0	1121/1121
034	733/736	36/18	35/14	683/665	33/15
040	1257/1272	45/37	49/42	49/38	53/41
041	1082/1084	68/48	70/44	75/57	63/45
042	600/601	0/0	0/0	0/0	0/0
043 <sup>*</sup>	1150/1175	0/0	582/576	775/770	0/0
044	505/506	0/0	0/0	0/0	0/0
045	754/733	54/27	45/22	53/24	53/30
046 <sup>*</sup>	649/645	0/0	0/0	0/0	0/0
047	1170/1140	0/0	509/506	0/0	0/0
048	912/935	211/189	1/1	1/1	713/711
049 <sup>##</sup>	1144/1149	2/2	222/199	1003/958	0/0
050	1009/1011	0/0	0/0	833/821	0/0
051	429/436	0/0	0/0	103/103	0/0
052	181/184	25/24	36/34	4/2	124/122
053	621/630	0/0	221 <sup>**</sup> /1	0/0	1/1
054	1833/1833	7/7	0/0	0/0	1459/1459
055	561/565	0/0	0/0	0/0	510/460
056 <sup>*</sup>	777/784	0/0	1/1	0/0	2/2
057	54/54	0/0	50/49	0/0	50/50

Notes: \*\* - 220 invalid ballots were officially reported at this polling station.

<sup>+</sup> - OSCE Election Experts found that this polling station did not open on December 7.

<sup>#</sup> - OSCE Election Experts found that this polling station did not open on December 21.

<sup>##</sup> - OSCE Election Experts found that at 16.00 on December 21 turn-out was zero at this polling station.

<sup>\*</sup> - CeSID found that this polling station did not open on December 21.

**Table 2.** Election Unit 26 - Vranje, Municipality of Kosovska Kamenitsa. Selected Polling Station results from the four rounds of voting for the President of the Republic of Serbia.

Polling Station	Reg. Voters 21.09/07.12	Sept.21	Oct.5	Dec.7	Dec.21
		Votes cast/Votes for Candidate of Left Coalition			
008*	1341/1395	59/37	60/35	1075/825	78/59
021	558/558	0/0	0/0	0/0	279/277
022	1994/2224	79/36	86/47	72/44	1973/1953
023	232/244	146/62	159/89	206/146	231/195
024*	1589/1640	0/0	1239/1230	1620/1141	1580/1580
025	1250/1283	3/3	50/50	1103/908	1191/1176
027	1200/1199	21/21	22/22	7/7	1066/1066
028	395/392	0/0	350/350	385/380	389/381
029*	1960/1918	0/0	1550/1535	1890/1432	1809/1809
030	579/571	520/504	534/534	571/571	571/570
050	856/889	508/492	24/15	26/14	775/763
051	160/175	95/75	110/97	148/146	156/153
052 <sup>+</sup>	317/328	0/0	285/280	318/315	298/295
053*	352/427	0/0	280/280	0/0	411/409
054 <sup>+</sup>	850/854	0/0	0/0	397/371	583/573
055 <sup>#,*</sup>	828/817	0/0	0/0	816/810	813/807

Notes: <sup>+</sup> - OSCE Observers found that this polling station did not open on October 5.

<sup>#</sup> - OSCE Election Experts found that this polling station did not open on December 21.

<sup>\*</sup> - CeSID found that this polling station did not open on December 21.