

OSCE/ODIHR
Election Observation Mission
Republic of Serbia/Serbia and Montenegro
Presidential Election 2004
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I. EXECUTIVE SUMMARY

- The presidential elections of 13 June will be the fourth attempt to elect a new President in the Republic of Serbia. All previous presidential elections since 2002 failed because voter turnout fell below the 50 per cent threshold.
- In line with previous OSCE/ODIHR recommendations, the National Assembly of the Republic of Serbia in early 2004 adopted significant amendments to the election legislation, including the abolition of the 50 per cent voter turnout requirement for a presidential election, eliminating the potential for a cycle of failed elections. In addition, new provisions were introduced to allow voting abroad, in prisons and at home.
- To win in the first round, the new legislative provisions require that a candidate must receive 50 percent plus 1 of all votes cast. If not, the two leading candidates go into a second round two weeks later, in which the candidate who receives the most votes is elected.
- A new Republican Election Commission (REC) was formed in February 2004 to reflect the changed composition of the Serbian National Assembly after the last parliamentary elections held in December 2003.
- A total of fifteen (15) candidates will contest the presidential elections: the REC issued the final list of candidates on 28 May. All candidates have been able to appoint representatives to the REC.
- Candidates are campaigning across the country, holding rallies and meetings, and placing billboards and advertisements. The atmosphere has to date been calm.
- A new Law on Financing of Political Parties will be applied for the first time during these elections: its implementation and effect on the campaign will have to be evaluated in due course.
- The REC has stated that 8,596 polling stations will operate on election day. In addition, voting will also take place at Serbia and Montenegro Embassies and Consulates in 18 countries, in line with the newly introduced provisions for voting abroad.
- Preliminary results of the media monitoring carried out by the Election Observation Mission indicate that the media are giving wide coverage to the campaign and other election related topics. Candidates that are leading in the opinion polls are generally given more space in the media, in particular in privately owned outlets.

II. INTRODUCTION

The 13 June elections of the President of the Republic of Serbia were called by the Speaker of the Serbian National Assembly on 4 April 2004. This is the fourth attempt to elect a President since 2002. All previous presidential elections held in the course of 2002 and 2003 failed because voter turnout fell below the 50 per cent threshold. The low voter turnout was also a result of the non-participation of some major political parties, in particular during the last presidential elections held in November 2003.

Following an invitation from the Speaker of the National Assembly of the Republic of Serbia, the OSCE/ODIHR established an Election Observation Mission (EOM) in Belgrade on 18 May 2004. The OSCE/ODIHR EOM, headed by Ambassador Stephen Nash (United Kingdom), consists of 18 election experts and long-term observers (LTOs) drawn from 11 OSCE participating States who have been deployed in the capital and in regional centers at Novi Sad, Niš and Kraljevo. An additional team will be deployed in Kosovo.

Given the overall confidence in election day proceedings expressed by election stakeholders and previous OSCE/ODIHR election observation missions, the EOM did not intend to deploy short-term observers on election day.

III. POLITICAL DEVELOPMENTS AND ELECTION CAMPAIGN

The last parliamentary elections, held in December 2003, led to the establishment of a new Government, comprising a coalition that includes the Democratic Party of Serbia (DSS), the Serbian Renewal Movement (SPO), New Serbia (NS) and G17 Plus. The Government also enjoys the support of the Socialist Party of Serbia (SPS). The main opposition parties in the new parliament include the Democratic Party (DS) and the nationalist Serbian Radical Party (SRS).

The continuing divisions between the DSS and the DS have fuelled the growing popularity of the SRS, which won the highest number of votes in the 2003 parliamentary elections. The current campaign has also seen some heated arguments between DSS and DS: in particular DSS has been accused of “dirty” campaigning towards the DS presidential candidate when it called on the DS leadership to unveil the truth about the assassination last year of Prime Minister Zoran Djindjic, implying that members of the former Government were concealing facts about the murder.

One of the main suspects in the Djindjic murder case, in the assassination of former Serbian President Ivan Stambolic, and the attempted murder of Serbian Renewal Movement leader Vuk Draskovic, surrendered to the authorities in April 2004. The hearing for his testimony is scheduled for 10 June, just three days before the presidential elections. Many observers believe that his testimony could influence the vote, since he is expected to make a statement about possible involvement of prominent political figures in the Djindjic assassination.

The participation in the presidential election race of Bogoljub Karic, a wealthy media owner, has also sparked interest and interlocutors have expressed some concern. Karic has

recently registered a new political party under the name “Ahead, Serbia”. His ratings in recent opinion polls are shown to be increasing.

Candidates are campaigning across the country, holding rallies and meetings, and placing billboards and advertisements. In general, the campaign has been rather uneventful. The candidates have chosen classical ways to campaign, using rallies and TV advertisements to relay their messages. The tone of the messages has not contained inflammatory or violent language so far. The focus is on personalities rather than issues.

IV. LEGAL FRAMEWORK

The Constitution of Serbia, adopted in 1990, establishes a presidential office elected by direct suffrage for a five-year term. The Presidential Election Law is the main law regulating the election, however it is supplemented by the Parliamentary Election Law where technical aspects of the process are concerned. In addition, these laws are supplemented by Republican Election Commission instructions and decisions.

Following the cycle of failed presidential elections, the newly installed National Assembly approved significant amendments to the Presidential Election Law on 25 February 2004. These amendments reflect previous OSCE/ODIHR recommendations and include:

- Abolishing the 50 per cent voter turnout requirement for valid presidential elections. This turnout threshold had led to a cycle of failed elections due to requirement to repeat elections. The abolishing of this requirement will finally provide for election of a president in June 2004.
- Changing suffrage requirements to allow citizens of Serbia and Montenegro with registered permanent residence in Serbia and who temporarily reside abroad, and those in detention centers, to vote. Moreover, after having been abolished in 2000, provisions for mobile balloting have been reintroduced to allow sick and elderly voters to cast their ballots at home.

While all the interlocutors met by the EOM welcomed the recent amendments, most also questioned the level of public awareness of the new provisions. The short interval between the adoption of the amendments and election day as well as the lack of a specific public information campaign probably mean that many voters remain unaware of the removal of the threshold requirement.

The introduction of out-of-polling-station voting and voting abroad, although a positive development, seems also to have been undermined by a lack of public awareness. This is evidenced by the low number of Serbian citizens that registered to vote abroad.

A new Law on Financing of Political Parties will also be applied for the first time on the occasion of the 13 June presidential elections. This law introduces a more stringent framework for party and campaign financing together with greater accountability and transparency. It met with wide consensus when it was adopted in Parliament in 2003. It

remains to be seen how the new provisions will be implemented both by political parties and relevant state institutions.

V. CANDIDATE REGISTRATION

Fifteen candidates were certified by the Republican Election Commission (REC) on 28 May. Five applications were rejected by the REC because they did not meet the requirements set by the law. All subsequent complaints filed by rejected applicants were also rejected. Candidates must have Serbian citizenship and permanent residence in Serbia for at least one year; they have to submit to the REC an application including at least 10,000 supporting signatures verified by a notary.

Candidates that will contest the elections are: Dragan Marsicanin (Democratic Party of Serbia - DSS), Boris Tadic (Democratic Party - DS), Tomislav Nikolic (Serbian Radical Party - SRS), Ivica Dacic (Socialist Party of Serbia - SPS), Bogoljub Karic (Citizens Group "Ahead, Serbia"), Branislav Ivkovic (Serbian Peoples Party - SNS), Ljiljana Arandjelovic (United Serbia), Borislav Pelevic (Party of Serbian Unity - SSJ), Vladan Batic (Christian Democrat Party of Serbia - DHSS), Dragan Djordjevic (Party of Serbian Citizens), Zoran Milinkovic (Patriotic Party of Diaspora), Jelisaveta Karadjordjevic (Citizens Group "For a more beautiful Serbia"), Mirko Jovic (Peoples' Radical Party, Serbia, Diaspora and European Bloc), Milovan Drecun (Serbian Revival) and Marijan Ristic (Peasants' Party).

VI. ELECTION ADMINISTRATION

Following the Parliamentary Elections held on 28 December 2003, a new Republican Election Commission (REC) was appointed by the Parliament on 25 February 2004 in order to represent the changed political composition of the Serbian National Assembly.

On 23 May, the REC approved a provisional list of 8,596 polling stations, 34 of them located in diplomatic and consular posts in 18 foreign countries. Also, 16 polling stations will be set up in detention centers.

As in previous elections, the REC plans to organize polling in Kosovo, in those municipalities where a Serb population resides. 97,846 voters are listed in these areas, according to the REC. After the violent events of March this year the number of polling stations has decreased to 229. Voter register updating and the setting up of polling stations are being organized in cooperation with the Serb parallel administration in Kosovo and supervised by three REC coordinators in the Serbian towns of Vranje, Raska and Kraljevo.

Despite the recent efforts to extend suffrage to parts of the electorate that were so far disenfranchised, no polling provisions have been put in place for citizens with permanent residence in Serbia but temporarily residing in Montenegro.

VII. VOTER REGISTER

On 30 May the REC announced a provisional number of 6,531,549 voters for the election. This is a modest increase of 20,099 voters (0.3 per cent) over the December 2003

elections. Citizens can still be added to the voters list by way of a court decision until 10 June.

The voter registration period for Serbia and Montenegro citizens with permanent residence in Serbia but temporarily residing abroad was concluded on 20 May. Registration was carried out at diplomatic and consular representations and administered jointly by the Ministry of Foreign Affairs and the REC. A total of 10,020 voters were registered. However, because at least 100 voters are required to register in any one country in order to justify a polling station, only 34 polling stations will be established in 18 different countries, giving the right to vote to around 8,500 voters. Out-of-country voting will be observed by REC members and representatives of the domestic observer organization Center for Free Elections and Democracy (CeSID). Diplomatic personnel will sit on polling boards.

VIII. MEDIA

The legal framework for the media campaign includes articles from the Law on the Elections of Members of Parliament, the Broadcasting Law and General Binding Instructions for the 2004 Presidential Elections. These Binding Instructions were issued by the Council of the Republic Broadcasting Agency (RBA) and are valid from 12 May 2004, when they were published. These Instructions govern both private and state media. According to the legal framework, the state electronic media should ensure free-of-charge and equal broadcasting for all candidates. On the other hand, private broadcasters can define the format and extent of their coverage of the campaign; if private broadcasters decide to provide candidates with free-of-charge airtime, then such time must be equally distributed among all candidates. Candidates have the right to place paid advertisements in the media and broadcasters should provide candidates with equal conditions for advertisements.

Coverage of the election campaign on State Television and Radio is furthermore regulated by the Rules of Conduct for Presentation of Presidential Candidates on Radio Television Serbia (RTS) programs whose implementation started on 31 May, although RTS started to broadcast election related programs earlier. According to these Rules, RTS should represent all candidates equally and objectively. In particular, on the television channel RTS 1, candidates have the right to use free-of-charge time including information about their campaign activities for the duration of two minutes twice a week, one free advertisement per day and a 25-minutes long presentation to be aired once during the election campaign period.

The Council of the RBA has issued binding instructions for the campaign as in previous parliamentary and presidential elections. However the credibility of this body remains undermined due to breaches in the procedures for the appointment of some of its members in April 2003. The RBA is entitled to supervise the activities of the media and to take measures in cases of violation of the law. However, these measures seem rather ineffective and the process for the consideration of complaints is too long. According to information provided on 31 May to the EOM by the chairman of the Council of RBA, this body has not received any official complaint connected with this media campaign. However, some political parties have expressed dissatisfaction with the media coverage. In particular, the Christian Democratic Party of Serbia (DHSS) has informed the EOM of a formal

complaint it claimed to have lodged about the small amount of airtime allotted to its candidate on RTS.

Since 19 May, the EOM has been conducting qualitative and quantitative analysis of four TV stations including state-owned TV RTS 1, private TV channels TV PINK, BK TV and TV B92, as well as four newspapers – *Balkan*, *Kurir*, *Politika* and *Vecernje Novosti*. The monitoring has focused on prime-time programs and daily publications. The EOM has been producing statistics on the amount of time and space allocated to presidential candidates, parties and other relevant political subjects, as well as assessing the tone of the coverage.

Both state and private media are providing wide-ranging coverage of the campaign in their newscasts and special election related programs. Especially candidates' rallies and meetings were given broad media coverage. Some candidates also placed paid advertisements in media broadcasts. RTS 1 started to provide candidates with free-of-charge airtime slots following the establishment of the final list of candidates. No voter education and go-out-the-vote campaign has until now appeared in the media.

The early results of the media monitoring indicate that the media in general have been providing neutral coverage of the candidates, although those candidates that are leading in the opinion polls appear to be receiving more space, especially on private TV channels and the monitored print media. The Government has been given wide and mostly positive coverage in RTS 1 news programs. On the other hand, presidential candidate Bogoljub Karic, one of the owners of BK TV, seems to have received more coverage than other candidates in this channel.

IX. CIVIL SOCIETY

The Center for Free and Democratic Elections (CeSID), a Belgrade-based domestic observer organization, is planning to deploy non-partisan, volunteer observers throughout the country on election day to observe voting and counting procedures in polling stations, as well as tabulation at the Municipal Election Commissions. Although this year on a smaller scale, CeSID will have a permanent presence in more than 500 polling stations as well as mobile teams across the country, including Kosovo. In addition, CeSID will also have volunteers observing voting abroad, in some of the polling stations that will operate in Embassies and Consulates. Throughout election day, CeSID intends to release interim turnout figures and on election night it will conduct a "parallel tabulation" of the results.