

CG/BUR (11) 26

Report on the observation of the Presidential election in the Republic of Serbia and Montenegro (13 and 27 June 2004)

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Document adopted by the Bureau of the Congress on 12 July 2004

1. Introduction

Following the invitation by Mr Predrag Markovic, Speaker of the National Assembly of the Republic of Serbia, the Congress decided to send a delegation to observe the Presidential elections scheduled for 13 June 2004 (first round) and 27 June 2004 (second round) in Serbia.

The Congress observer group was headed:

at the first round (13 June) by Ayse Bahar CEBI (Turkey) and included the following members: Inkeri YRITIS (Finland), Jana FISCHEROVA (Czech Republic), Christopher NEWBURY (United Kingdom) and Alain CHENARD (Former President of the Congress, France, Expert). The delegation was accompanied by Caroline MARTIN and Jean-Paul CHAUVET from the Congress Secretariat and by Aleksander STOJANOVIC from the Office of the Council of Europe in Belgrade;

at the second round (27 June) by Christopher NEWBURY (United Kingdom) and included Hilmi TOKUS (Turkey). The delegation was accompanied by Delphine WEISSHAUPT from the Congress Secretariat and by Aleksander STOJANOVIC, Office of the Council of Europe in Belgrade.

The Congress delegation received important assistance during the preparation of the mission from the Office of the Council of Europe in Belgrade. The delegation worked in close co-operation with the OSCE/ODIHR Election Observation Mission (EOM) headed by Ambassador Stephen NASH, and wish to thank EOM for the logistical support, briefings and consultations provided to the Congress delegation throughout the mission.

The OSCE/ODIHR had a team of 18 election experts who have been deployed since 10 June 2004.

In the days preceding the 13 June elections first round, the delegation met with representatives of the main political parties, the Republic Election Commission, the Centre for Free Elections and Democracy (CESID) and the Standing Conference of Towns and Municipalities (see programme in appendix 1).

On Election Day (13 June) the four Congress teams were deployed in the following areas of Serbia: Jana FISCHEROVA – Inkeri YRITIS (Belgrade), Alain CHENARD – Caroline MARTIN (Novi Sad and Subotica) – Christopher NEWBURY – Aleksander STOJANOVIC (Novi Pazar) and Ayse Bahar CEBI – Jean-Paul CHAUVET (Niš). The four teams visited some fifty polling stations altogether.

For the second round, two Congress teams were deployed. Christopher NEWBURY – Aleksander STOJANOVIC (Belgrade), A. Hilmi TOKUS – Delphine WEISSHAUPT (Pancevo). The two teams visited about 25 polling stations.

Following elections days a joint press conference was held with OSCE/ODIHR (respectively on 14 June and 28 June) and two joint press releases were issued (appendix 2).

2. Political background

It was the fourth attempt to elect a president since 2002. The previous attempts failed because voter turnout fell below the legally required 50 per cent threshold.

The office of the President of the Republic was assumed by the Speaker of the Serbian National Assembly since December 2002, to remain acting President until a new president is elected.

The Presidential elections scheduled for June 2004 thus provided the fourth opportunity to elect a president of the Republic of Serbia, after the failed attempts of September/October/December 2002 and 16 November 2003 (see report on the last observation, 16 November 2003 – Rapporteur Mr Joseph BORG. Doc CG/BUR (10) 70).

It is interesting to note that, given the overall confidence in Election Day proceedings expressed by election stakeholders and previous OSCE/ODHIR election observation missions, the Election Observation Mission (EOM) did not deploy short-term observers on election days (13 June and 27 June).

Observers of the previous Presidential elections concluded that the conduct of elections largely met international standards for democratic elections. However, a combination of political impasse and defective legislation has led to a cycle of repeat elections which have failed to elect a president.

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).

During the election campaign before the first round, candidates campaigned 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 was on personalities rather than issues.

3. Legislative 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/ODHIR and Council of Europe 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 new legal provisions ensure the election of a president.

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 centres, 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.

All the interlocutors met by the Delegation of the Congress on 10-11 June 2004, welcomed the recent amendments; however, several questioned the lack of a specific public information campaign on these new provisions.

The introduction of out-of-polling-station voting and voting abroad, although a positive development seems 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 was also 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 finances, setting limits on party expenditure, property income and voluntary contributions. While the introduction of the new law is a welcome step towards increasing transparency and accountability in party finances, its effective implementation remains uncertain. As a result of varied interpretations of the law, Presidential candidates did not know how much funding they would receive from the state budget to cover campaign expenditures. The Finance Ministry was criticised by some candidates for delays in disbursing funds.

The law does not clearly specify where responsibility lies for financial control, nor does it indicate which body is responsible for imposing sanctions for violation of the law. No clear line of communication exists between the Finance Ministry and the Republican Election Commission (REC), the institution charged with auditing the financial reports submitted by candidates within 10 days after Election Day. The lack of clarity in the law will need to be addressed, as will the division of responsibilities for its implementation between the REC and the Finance Ministry.

4. Candidate Registration

A total of 15 candidates were certified by the REC to contest the 13 June Presidential elections (first round). They were, as listed on the ballot: Ljiljana Arandjelovic (United Serbia), Vladan Batic (Christian Democrat Party of Serbia – DHSS), Ivana Dacic (Socialist Party of Serbia – SPS), Milovan Drecun (Serbian Revival), Dragan Djordjevic (Party of Serbian Citizens), Branislav Ivkovic (Serbian People's Party – SNS), Mirko Jovic (People's Radical Party, Serbia and Diaspora, and European Bloc), Jelisaveta Karadjordjevic (Citizens Group "For a more beautiful Serbia"), Bogoljub Karic (Citizens Group "Ahead, Serbia"), Dragan Marsicanin (Democratic Party of Serbia – DSS), Zoran Milinkovic (Patriotic Party of the Diaspora), Tomislav Nikolic (Serbian Radical Party – SRS), Borislav Pelevic (Party of Serbian Unity – SSJ), Marijan Ristic (Peasants' Party), and Boris Tadic (Democratic Party – DS).

In addition, the REC rejected five applications for candidacy because they did not meet the legal requirements. The Supreme Court also turned down all subsequent complaints that it received from applicants whose candidature had been rejected.

Candidates were required to submit to the REC an application including at least 10,000 signatures verified by a notary to support his or her candidacy. Some found this procedure difficult. Several candidates who met with the EOM – especially those without the support of a major party – were critical of the procedure for collection and verification of signatures, and they described difficulties encountered during this process. Others argued that 10,000 signatures were not sufficient for an electorate of 6.5 million.

5. Election administration

Following the last Parliamentary election on 28 December 2003, parliament appointed a new Republican Election Commission (REC) on 25 February 2004 that reflected the new political composition of the Serbian National Assembly.

Since the REC was only recently appointed, and since the majority of its members were new to its proceedings and tasks, it sometimes had difficulties in carrying out procedures. It faced an increased workload resulting from the introduction of out-of-country voting and special provisions for out-of-polling-station voting. Nonetheless, no major complaints were submitted against REC decisions.

Representatives of candidates were appointed to extend election administration bodies at all levels and had the opportunity to participate in the conduct of the election. Municipal Election Commissions (MEC) generally performed their tasks in a professional manner. On a number of occasions, however, municipal authorities failed to allocate funds to respective MECs in a timely manner.

Although the law on Parliamentary elections calls for the creation of a Parliamentary Supervisory Committee to monitor fair and equal access to the campaign by all candidates, such a committee has not been appointed. Its absence has created uncertainty with regard to media-related complaints, as the REC declined to consider the substance of such complaints.

The adoption of legislative provisions to allow voting abroad, at diplomatic missions of Serbia and Montenegro, is a positive development. However, the small number of citizens who registered with the competent authorities was a disappointment. The short time between the adoption of the legislation and the election, as well as the limited information disseminated to eligible Serbian communities abroad, may have contributed to the poor response.

As a result, a total of 10,000 voters applied to vote abroad. However, due to a legal requirement that at least 100 voters register in any country to justify establishing a polling station, only 32 polling stations were set up in 17 countries, enabling some 8000 voters to cast a ballot.

As the candidates were also entitled to nominate extended members of polling boards abroad, this had a considerable impact on the election administration budget, which had to cover their travel costs. In particular, less-popular candidates used this opportunity extensively, which was criticised by the media as an unnecessary burden on the election budget. The major political parties, however, chose not to send representatives from Serbia but recruited them locally instead, thereby saving travel and accommodation expenses.

The election was also held in Kosovo, where some 97,000 voters were registered. 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 have been organised in cooperation with the Serb parallel administration in Kosovo and supervised by three REC coordinators in the Serbian towns of Vranje, Raska and Kraljevo.

On 15 June, the Republican Election Commission (REC) certified the results of the first round. The processing of the results was efficient and transparent. According to the REC, voter turnout was 47.75 per cent, with Mr. Nikolic receiving the highest percentage of votes cast (30.60 per cent), followed by Mr. Tadic (27.37 per cent). Thus, these two candidates won the right to contest the second round and retained their representatives on the REC and other election administration bodies. The REC functioned more efficiently in the second round than in the first, although delays were reported in making payments to members of municipal electoral commissions (MECs) and polling boards.

As already stated, the high cost of out-of-country voting at diplomatic missions of Serbia and Montenegro was criticized. In the first round, provisions allowing all 15 candidates to send representatives to all polling stations abroad resulted in significant costs for travel and accommodation that were covered by the REC budget. The IEOM noted suggestions that a postal ballot might be a more economical option.

The new provision allowing for voting from home was not widely used. Several interlocutors pointed to voters' lack of knowledge of this opportunity, as no effective public information campaign was carried out by state institutions.

In an effort to facilitate voting among young people, the authorities offered students the possibility of free train travel to their place of residence to vote.

Overall, the election administration performed its duties in a transparent and efficient manner. Representatives of candidates were appointed to the extended composition of all levels of election-administration bodies, and they had the opportunity to participate in the conduct of the elections.

6. Campaign Financing

The law on financing political parties and its implementation continued to be a subject of contention. Campaign funds provided for by the law were not disbursed according to the legal deadline, causing discontent among political parties and candidates.

Another major point of disagreement was the determination of the sum to be disbursed. According to the Finance Ministry's interpretation, the law does not stipulate the exact amount of campaign funds to be released by the Ministry for a single election; instead, it sets the total amount for all elections to be held in a budget year (0.1 per cent of the annual state budget).

On 6 May, the Ministry set a total of 45 million dinars to be distributed among all candidates for this Presidential election. Representatives of 11 of the 15 first-round candidates contested this decision at the REC. They interpreted the law in a different manner, claiming that the amount disbursed should be five times greater than that set by the Finance Ministry. Differences in interpretation might have been avoided had the Ministry provided unambiguous information on the functioning of the new law and if communication between the Ministry, political parties, and the REC had been better. The 11 candidates contesting the decision are taking legal action against the Finance Ministry on this issue.

Under the new law, the amount approved for campaign financing from state sources also determines the maximum amount of privately donated funds that parties or candidates can spend on campaigning. The law also sets a deadline for candidates to present a financial report on campaign expenses and penalties for candidates who spend in excess of the limit. Uncertainty about the amount of funding provided by the state made it difficult for candidates to plan and budget for the campaign.

7. Complaints and Appeals

Ten complaints were lodged with the REC regarding the first round of the election. Only one was upheld, resulting in the cancellation of the results in one polling station. As the results were missing from another polling station, voting was invalidated there, although no formal complaint was lodged. In both cases, voting was not repeated because the results could not affect the outcome of the first round.

8. Voter Lists

The total number of voters registered for the 13 June poll was 6,532,263. This was a modest increase of 20,813 voters (0.3 per cent) over the December 2003 election. Due to recent amendments, voter turnout was no longer a decisive factor for the success of the election, so the accuracy of the voter lists was not a disputed issue. From the beginning of the year until the closing of the voter registers, the Ministry of Public Administration and Local Self-Government (MPALSG) continued to update and correct data; some 76,000 entries were deleted, and about 88,000 new entries were added.

Authorities admitted that shortcomings noted previously by the OSCE/ODIHR and Council of Europe still exist. A centrally managed database for voters' personal data, as foreseen by the Parliamentary election law, has yet to be compiled. Moreover, a number of municipalities continue to use a variety of software for data processing, making verification of lists across municipal borders difficult.

According to the MPALSG, before a comprehensive review of the voter registers takes place, a legislative framework with clear demarcation of responsibilities is necessary. The Ministry informed the OSCE/ODIHR Election Observation Mission (EOM) that a new law on voter registers is currently being drafted, and a comprehensive project for the computerization of municipal administrations is planned in the near future.

9. Electoral Campaign

First round- 13 June 2004

According to OSCE/ODHIR, in general, the campaign was conventional, with candidates holding rallies and meetings across Serbia, including on a small scale in parts of Kosovo. Candidates used television advertisements widely to relay their messages to the electorate, and billboards and posters were placed throughout the country. The messages did not contain inflammatory language.

Opinion polls, widely published during the campaign period, suggested that the frontrunners in the election were Tomislav Nikolic (SRS), Borislav Tadic (DS), and Dragan Marsicanin (DSS), who was also supported by the government coalition.

The participation in the Presidential race of Bogoljub Karic, a wealthy media owner, sparked interest, and interlocutors expressed some concern that the principle of balanced coverage might be prejudiced. Mr. Karic, whose candidature was presented by a group of citizens, registered a new political party under the name "Ahead, Serbia" while the election campaign was under way.

The entry into the Presidential race of Jelisaveta Karadjordjevic, a member of the royal family exiled after World War II, added a new facet to Serbian politics.

The pre-election period testified once more to the continuing divisions between the DSS and the DS. The campaign saw some heated arguments between these parties. One of the main suspects in the Djindjic assassination surrendered to the authorities in May 2004. He was scheduled to testify in the Djindjic assassination trial on 10 June, just three days before the election. Many interlocutors raised concerns that this testimony could include allegations of involvement of some former government officials in the case, which could influence the campaign. However, the witness refused to give evidence to the court on 10 June, and a further hearing was organized on 14 June.

2nd Round – 27 June 2004

The second-round campaign began as soon as initial projections of the first-round results were known. The official results certified by the REC were as follows: Ljiljana Arandjelovic (United Serbia), 0.38 per cent; Vladan Batic (Christian Democrat Party of Serbia - DHSS), 0.54 per cent; Ivica Dacic (Socialist Party of Serbia - SPS), 4.04 per cent; Milovan Drecun (Serbian Revival), 0.54 per cent; Dragan Djordjevic (Party of Serbian Citizens), 0.19 per cent; Branislav Ivkovic (Serbian People's Party - SNS), 0.45 per cent; Mirko Jovic (People's Radical Party, Serbia and Diaspora, and European Bloc), 0.18 per cent; Jelisaveta Karadjordjevic (Citizens Group "For a more beautiful Serbia"), 2.01 per cent; Bogoljub Karic (Citizens Group "Ahead, Serbia"), 18.23 per cent; Dragan Marsicanin (Democratic Party of Serbia - DSS), 13.30 per cent; Zoran Milinkovic (Patriotic Party of the Diaspora), 0.17 per cent; Tomislav Nikolic (Serbian Radical Party - SRS), 30.60 per cent; Borislav Pelevic (Party of Serbian Unity - SSJ), 0.46 per cent; Marijan Ristic (Peasants' Party), 0.33 per cent; and Boris Tadic (Democratic Party - DS), 27.37 per cent.

The SRS and DS candidates continued to hold rallies and meetings in Belgrade and provincial centers, and there was more door-to-door campaigning than in the first round. Issues broached included Serbia's future in Europe, economic policies, and attitudes towards the International Criminal Tribunal for the former Yugoslavia (ICTY).

In an effort to underline his pro-European platform, Mr. Tadic traveled to Brussels to meet high-ranking EU officials.

Although Mr. Tadic made clear that the DS would not join the government coalition for the moment, the ruling coalition endorsed Mr. Tadic's candidature in the second round. The DS candidate was also supported by political parties representing national minority interests, as well as by Mr. Karic who came third in the first round.

According to OSCE/ODHIR, the tone of the second-round campaign was slightly more confrontational than that of the first round. The campaign did not, however, degenerate into reciprocal accusations, and no formal complaints were lodged about the allegations made.

The main suspect in the case of the assassination of the late Prime Minister Zoran Djindjic testified in court immediately after the first round. Although there had been speculation about the possible influence this testimony would have on the electoral campaign, this turned out to be unfounded.

10. Media

First Round – 13 June 2004

According to OSCE/ODHIR, in general, the media provided adequate coverage of the campaign and offered voters a wide range of information about the contestants. Candidates did not face major obstacles in delivering their messages through the media. Television and radio presented candidates in regular news and current-affairs programming and in special election-related coverage. Furthermore, debates with candidates or their representatives were broadcast. Candidates placed paid advertisements in the electronic media and in newspapers. Get-out-the-vote campaigns appeared in the media during the last days of the pre-election period.

State-owned TV RTS 1 provided candidates with plentiful free airtime slots, in accordance with the legal requirements.

The private BK TV, owned by candidate Bogoljub Karic, aired extensive coverage of the campaign, allowing all candidates to present their messages in free-of-charge election programmes. BK TV news dedicated more time to coverage of Karic's campaign (approximately 42 per cent of total time) than to the campaigns of other candidates. TV PINK provided generally balanced coverage of all the candidates in its news. TV B92 covered most candidates in its regular programming, although the frontrunners were given additional opportunities for interviews and participation in discussion programmes.

Newspapers published wide-ranging information about all the candidates and their campaigns but focused predominantly on the leading candidates. In contrast to the broadcast media, candidates' portrayals in newspapers were generally more negative.

Some political parties and candidates' representatives have expressed dissatisfaction with the media coverage of their candidates; however, formal complaints related to media conduct were rare.

The media environment in Serbia remains characterized by two long-standing problems: (a) the allocation of broadcasting frequencies; and (b) the transformation of state-owned RTS into a public company. These issues remained unresolved during the period leading up to the Presidential election, partly because of the unclear status of the Republican Broadcasting Agency (RBA Council). As noted in previous OSCE/ODIHR and Council of Europe reports, the credibility of the RBA Council has been undermined since its establishment in April 2003, following breaches in the procedures for appointment of some of its members. The RBA Council issued the Binding Instructions for the current electoral campaign, but its ability to supervise broadcasters' activities and to take measures in case of breaches of conduct remains disputable.

Second Round – 27 June 2004

During the second-round campaign, the broadcast and print media according to OSCE/ODIHR, continued to provide voters with broad coverage. Both candidates placed paid advertisements, especially during the last week of the campaign.

RTS 1 provided candidates with free-of-charge airtime, covered candidates' activities in special election-related programmes, and increased the amount of time dedicated to the campaign in its newscasts. The station gave Mr. Nikolic and Mr. Tadic equal amounts of airtime, and both were portrayed in a neutral light.

On 23 June, a two-hour debate between the two candidates was broadcast on RTS 1, BK TV, and several local channels. Both candidates were given the opportunity to present their platforms and to field questions on a wide range of issues. The atmosphere of the debate was calm and lacked confrontation.

Privately owned BK TV provided both candidates with nearly equal amounts of airtime and portrayed them in a generally neutral light. In its newscasts, TV Pink dedicated 58 per cent of its election-related coverage to Mr. Tadic and 42 per cent to Mr. Nikolic. A similar distribution of time was noted in TV B92 newscasts. In the newscast, both channels portrayed the candidates in a neutral light. In the last week of the campaign, TV B92 broadcast several programmes calling on people to vote for a democratic future, which was interpreted as indirect support for Mr. Tadic.

All the newspapers monitored by the IEOM dedicated a greater amount of space to Mr. Tadic (approximately 60 per cent) than to Mr. Nikolic. Portrayal of the DS candidate in *Balkan* and *Politika* was positive. On the other hand, *Kurir* portrayed Mr. Nikolic in a positive light, while its coverage of Mr. Tadic was somewhat negative.

Get-out-the-vote campaigns continued on television and in some newspapers. In particular, B92 conducted a very active voter-mobilization campaign specifically targeting youth.

Overall, the tone of the campaign in the print and electronic media remained politically neutral.

11. Election day observations

First Round

For the first round, polling was conducted in a calm and peaceful manner. No serious incidents or irregularities were reported by the observers of the Congress. It is recalled that the elections were monitored by the local organization Centre for Free Elections and Democracy which fielded observers in almost all polling stations in Serbia and abroad. In addition, international observers from the European Union Monitoring Mission, Slovakia, Russia, and Belarus were accredited by the REC to conduct Election Day observation.

Second Round

As in the first round, the second round of the Election Day IEOM did not receive any complaints related to polling, and neither international nor local observers reported any serious incidents or irregularities.

The Belgrade-based Centre for Free Elections and Democracy deployed approximately 1,000 non-partisan observers across the republic. The European Union Monitoring Mission also fielded a small number of observers.

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As it was stated for the last elections (16 November 2003) by the observers of the Congress, Polling Boards (PB) worked efficiently, impartially and tried to ensure correct voting procedures. The majority of PB presidents who were met stated that they did not represent any political party and were appointed on the basis of their experience. Representatives of most candidates were represented as extended members on PBs.

Observers of the Congress rated the polling and counting procedures positively in the overwhelming majority of polling stations visited.

The main problems were:

difficult access to polling stations for disabled or elderly voters
group voting (very few cases)
failure of PBs to systematically check voters' identities before handing out ballots
lack of visibility of the location of the polling stations

The methods of maintaining privacy for voters lacked uniformity and occasionally effectiveness, especially in a number of polling stations that were simply too small or where the voting equipment used was substandard (e.g. poor quality cardboard screens).

Some PB presidents indicated that they were aware of deceased persons still being registered as voters, although the numbers were small. In some polling stations visited, several persons had been turned away because of name not included on the voter list. Members of the Congress observed out-of-polling station voting for disabled voters and could assess the fairness of the system even if the information has to be improved.

The assessment of the vote count was excellent or good in the polling stations visited. In the vast majority of cases, procedures to safeguard the integrity of the count were implemented properly. The count was quick and efficient. Observers noted, however, that procedures were not always fully followed.

The election process was monitored by the Belgrade based Centre for Democracy and Free Elections (CeSID). The work of CeSID contributed significantly to the transparency of the Election Day processes and the public confidence in the accuracy of the results.

12. Election results

The Serbian Election Commission (REC) has released the final elections results according to which Boris Tadic is officially the new Serbian President. He is to be inaugurated on July 11, reported the news agencies.

Based on the processed results from all 8,586 polling stations, the REC has said that Tadic won 53.24 per cent of the vote, and Tomislav Nikolic 45.40 per cent.

The Democratic Party (DS) candidate was supported by 1.681.528 voters and his rival of the Serbian Radical Party (SRS) Tomislav Nikolic by 1.434.068 voters.

Preliminary results from the REC indicate a turnout of around 48% (similar to the first round).

According to the REC Secretary, in central part of Serbia 52.71 percent voted for Tadic and 45.84 percent voted for Nikolic; in northern Serbian (province of Vojvodina) Tadic won 56 percent and Nikolic 43 percent; in Belgrade Tadic won 59 percent and Nikolic 40 percent of the vote.

13. Concluding recommendations

In order to improve future Presidential elections and the general election environment, the Congress should invite the authorities of the Republic of Serbia to take into account the following remarks:

The Congress, in line with OSCE, welcomes the legislative amendments:

removing the serious anomaly of the turnout requirement (50% voter turnout for an election to be valid) as requested by the Congress after the last Presidential elections (November 2003),

enabling out-of-polling station voting for disabled and hospitalised persons and for those temporarily away from their homes, including Serbian residents momentarily outside Serbia,

on financing of political parties which came into effect on 1st January 2004;

The Congress delegation noted with satisfaction, in comparison with 2003 elections, an improvement:

to ensure a better level of political pluralism on election administration bodies (including Polling Boards)

concerning the training of Polling Board members with a view to ensuring the proper conduct of all voting and vote count procedures prescribed by law

to prevent "group voting".

However, the Congress recommends the following measures to improve future electoral processes in the Republic of Serbia:

The compilation of voter lists still need to be implemented. As mentioned in the present report, shortcomings noted previously by the OSCE/ODIHR and Council of Europe still exist.

The Congress encourages the Ministry of Public Administration and Local Self-Government (MPALSG) on:

the preparation of a new law on voter registers (a project is currently being prepared) with clear demarcation of responsibilities,

the computerisation of municipal administrations, with a view to compiling a centrally managed database for voters personal data, as foreseen by the Parliamentary election law

the improvement of the present system in which a number of municipalities continue to use a variety of software for data processing, making verification of lists across municipal borders difficult.

The viability of the newly adopted law on campaign financing need to be assessed.

While the introduction of the new law is a welcome step towards increasing transparency and accountability in party finances, its effective implementation remains uncertain. The law does not clearly specify where responsibility lies for financial control, nor does it indicate which body is responsible for imposing sanctions for violation of the law. The lack of clarity in the law need to be addressed, as will the division of responsibilities for its implementation between the REC and the Finance Ministry.

3. The appointment of a Parliamentary supervisory Committee to monitor fair and equal access to the campaign by all candidates for future Presidential elections should be considered, especially with regard to media-related complaints.

The Congress Delegation was also struck by the fact that eligible voters temporarily residing in the Republic of Montenegro, including internally displaced persons from Kosovo, remained disenfranchised, as no provision was made for them to vote in Montenegro.

The question of the ability of internally displaced persons currently living in Montenegro to take part in the Presidential elections was raised by Mr Marek Antoni Nowicki, Ombudsperson in Kosovo, in a letter sent on 2 June to Mr Zoran Petrovic, President of the Republican Election Commission.

In this letter, he noted that :

"according to the applicable Serbian law, every citizen of Serbia is eligible to vote. Unfortunately, during a recent meeting with representatives of such internally displaced persons in Montenegro, these persons complained that they were not able to take part in the Serbian parliamentary elections held in December 2003.

Considering that these individuals have thus been deprived of their right to vote during the above-mentioned elections, while Serbians living abroad had no problems delivering their votes, I would be interested in knowing in what way the Central Election Commission intends to ensure that these people in Montenegro have the opportunity to make use of their rights to vote in the upcoming presidential elections".

The Congress is very much interested to know what kind of provision the Serbian authorities will take in the future to face this situation.

A better information system of the citizens should be organised concerning :

the out-of-country voting, taking into account the small number of eligible Serbian communities abroad, who registered with the competent authorities. In this context, the suggestion of a postal ballot should be assessed,

the out-of-polling-station voting. The Congress delegation who observed several operations of this kind did not notice any shortcomings. However, this provision was not widely used. An effective public information campaign should be carried out.

Polling stations should be selected to ensure they are of a suitable size and offer unimpeded access to elderly and disabled voters. There are still too many Polling stations of unacceptable size in consideration of the number of voters,

the quality of voting screens should be improved and standardised.

Appendix 1

Draft Programmes of the Congress Observation Mission, Belgrade, June 2004

1st ROUND

Thursday 10 June 2004

18.00 – 19.00 Standing Conference of Towns and Municipalities
(Meeting with members of the Serbian Delegation to the Congress)

Friday 11 June 2004

9.00 – 10.00 Briefing Council of Europe Office in Belgrade

10.30 – 12.30 Briefing OSCE (Ambassador Nash) – Hotel Intercontinental

13.15 – 14.05 DSS, candidate for the government coalition,
Mr Rade Obradovic, Head of Electoral Bureau
Place: Bulevar Revolucije 80/I, Agency Contex

14.15 – 15.05 DS, Candidate for the president
Mr Marko Durisic, Head of Electoral Bureau
Mr Milos Jevtic, Secretary General to DS party
Mr Vuk Jeremic, Adviser to Mr Boris Tadic for Foreign Affairs
Place: Krunska 69

15.15 – 16.05 SRS, Candidate for the President,
Mr Tomislav Nikolic
Place: Trg Pobede 3, Zemun

16.15 – 17.00 Republic Electoral Commission
Mr Zoran Perovic, President, and members
Place: Kralja Milana 14

18.00 – 19.30 Centre for Free Election and Democracy, Strategic Marketing Agency
Mr Zoran Lucic
Mr Srdjan Bogosavljevic
Place: Zagrebacka 9/III

Saturday 12 June 2004

11.00 – 18.00 Meeting with drivers and interpreters.
Deployment of the Congress team in : Belgrade – Novi Sad/Subotica – Novi Pazar – Nis

Meeting with OSCE/ODIHR Long Term Observers

Sunday 13 June 2004

Observation of elections

Monday 14 June 2004

Debriefing of the Congress Delegation

14.15 Press Conference with OSCE/ODIHR

2nd ROUND

Friday 25 June 2004

21.00 Meeting at 21.00 p.m in the hall of Hotel Moskwa (Mr Newbury, Mr Tokus and Ms Weisshaupt)

Saturday 26 June 2004

10.30 a.m. Briefing of the Congress delegation with OSCE/ODHIR
OSCE/ODIHR EOM Office
5 Lomina Str
4th Floor

Sunday 27 June 2004

6.30 a.m. Meeting with the drivers and interpreters in the hotel hall

6.45 a.m; departure for the polling boards in Belgrade
Mr Newbury and Mr Stojanovic

6.45 a.m. departure for the polling boards in Pancevo
Mr Tokus and Ms Weisshaupt

evening Drafting of the press release OSCE/Congress

19.45 Closing of a Polling station and counting

Monday 28 June 2004

10.00 – 11.00 Last revision of the press release OSCE/Congress

2.30 p.m. OSCE/ODIHR/CONGRESS Press Conference

PRESS RELEASE

International observers welcome Serbia's progress towards electing president

BELGRADE, 14 June 2004 - In a preliminary statement issued today, observers from the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) and the Congress of Local and Regional Authorities of the Council of Europe positively assessed the conduct of the first round of yesterday's Presidential election in the Republic of Serbia (Serbia and Montenegro). They also indicated the need to consider improvements in the areas of voter registration and campaign finance.

The observation mission concluded that the electoral process was well administered and largely consistent with OSCE commitments and Council of Europe standards for democratic elections. Observers noted that state and private media provided mostly fair, unbiased coverage of the campaign.

"With 15 candidates running for president, voters were presented with a genuine choice from across the political spectrum," said Ambassador Stephen Nash, Head of the ODIHR election observation mission. "It is also significant that inflammatory rhetoric was absent from the campaign."

Preliminary results indicate that no candidate garnered enough support to win the election outright; therefore, a second round is expected on 27 June. Observers welcomed recent changes to the republic's electoral legislation that eliminated the

requirement for 50 per cent voter turnout for an election to be valid. The OSCE and Council of Europe had called for such amendments following previous Presidential elections that left Serbia without an elected president for almost two years.

"We are pleased that the Serbian Government made the necessary amendments to overcome this serious anomaly. These changes ensure the election of a president," said Mrs. Bahar Cebi, Head of the Congress delegation. "Breaking the cycle of failed elections is an important step towards strengthening Serbia's democratic institutions."

The observation mission indicated that the new law on campaign finance is only a first step towards improving transparency and accountability in this aspect of the electoral process. "Unfortunately, the law lacks clarity. It needs to define clearly where responsibility lies for financial control, and it has to ensure that candidates know how much funding they will receive and when they will receive it," said Ambassador Nash.

Commenting on election day observations, Mrs. Cebi said: "Polling proceeded in a calm and orderly manner, and no significant irregularities were reported."

The mission included 18 experts deployed by the ODIHR in Belgrade and five regional centres, including Kosovo, since 18 May. The Congress delegation included eight observers who monitored the voting and tabulation of results on election day.

The ODIHR and the Congress are ready to assist the Serbian authorities and civil society address any shortcomings in the electoral process.

PRESS RELEASE

International observers welcome election of president in Serbia

BELGRADE, 28 June 2004 - In a preliminary statement issued today, observers from the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) and the Congress of Local and Regional Authorities of the Council of Europe concluded that the Presidential election in the Republic of Serbia (Serbia and Montenegro) was conducted essentially in line with OSCE commitments and Council of Europe standards for democratic elections.

The observation mission endorsed changes to Serbia's electoral legislation that removed the requirement for 50 per cent voter turnout for an election to be valid. "Given the cycle of failed elections since 2002, we welcome the legislative amendments removing the turnout requirement," said Ambassador Stephen Nash, Head of the ODIHR mission. "At the same time, we encourage the Serbian authorities to consider improving legislation in the areas of campaign finance and voter registration."

Observers noted that the electoral process was administered in a professional and efficient manner, that the state media provided broad and fair coverage of the campaign, and that the atmosphere during the campaign period was peaceful.

The mission also welcomed the introduction of legal provisions allowing voters to cast their ballot in their homes, at diplomatic missions abroad, and in prisons, which resulted in the enfranchisement of a greater number of voters.

With respect to balloting procedures, the Head of the Congress delegation, Mr. Christopher Newbury, said: "Voting was conducted calmly, and no serious incidents or irregularities on election day were reported by observers or the media."

The mission included 18 experts deployed by the ODIHR in Belgrade and five regional centres, including Kosovo, since 18 May. The Congress delegation included eight observers who monitored the voting and tabulation of results during the first round of voting on 13 June and four observers who monitored polling activities yesterday.

The mission's Statement of Preliminary Findings and Conclusions released today should be read in conjunction with the statement released on 14 June, following the first round of voting. Both the ODIHR and the Congress will release final reports on the election approximately one month after the official announcement of results.

The OSCE/ODIHR and the Council of Europe are ready to assist the Serbian authorities and civil society address any remaining shortcomings in the electoral process.