



**Doc. 11647**  
23 June 2008

## Observation of the parliamentary elections in “the former Yugoslav Republic of Macedonia” (1 and 15 June 2008)

### Election observation report<sup>1</sup>

Bureau of the Assembly

Rapporteur: Mr Mevlüt ÇAVUŞOĞLU, Turkey, European Democrat Group

Contents	Page
1. Introduction .....	1
2. Political and legal framework en registration of candidates' lists .....	2
3. Voter registration .....	3
4. Election administration .....	3
5. The media environment .....	4
6. Complaints and appeals .....	4
7. The campaign .....	4
8. Election day .....	5
9. The re-run (15 June 2008) .....	5
10. Conclusions and recommendations .....	7
Appendix .....	8

### 1. Introduction

1. The Bureau of the Assembly decided, at its meeting on 18 April 2008 and subject to receipt of an invitation, to set up an ad hoc committee to observe the parliamentary elections in “the former Yugoslav Republic of Macedonia”, scheduled for 1 June 2008, and asked the President to appoint the chairperson of the ad hoc committee to observe these elections. Following the receipt of an invitation from the President of the Assembly of “the former Yugoslav Republic of Macedonia”, the President appointed me as the chairman of the ad hoc committee.

2. On 4 October 2004, a co-operation agreement was signed between the Parliamentary Assembly and the European Commission for Democracy through Law (Venice Commission). In conformity with Article 15 of the agreement: “When the Bureau of the Assembly decides to observe an election in a country in which electoral legislation was previously examined by the Venice Commission, one of the rapporteurs of the Venice Commission on this issue may be invited to join the Assembly’s Election Observation Mission as legal adviser”, the Bureau of the Assembly invited an expert from the Venice Commission to join the ad hoc committee as advisor.

---

1. Approved by the Bureau at its meeting on Monday 23 June 2008.



3. Based on the proposals by the political groups in the Assembly, the ad hoc committee was composed as follows:

- Mr Mevlüt Çavuşoğlu, Head of delegation
- Socialist group (SOC)
  - Mr Andreas Gross, Switzerland
  - Mr Denis MacShane, United Kingdom
- Group of the European People's Party (EPP/CD)
  - Ms Ingrida Circene, Latvia
  - Ms Alma Čolo, Bosnia and Herzegovina
  - Mr Mladen Ivanić, Bosnia and Herzegovina
- Alliance of Liberals and Democrats for Europe (ALDE)
  - Mr Serhiy Holovaty, Ukraine
- European Democrat Group (EDG)
  - Mr Mevlüt Çavuşoğlu, Turkey
  - Mr Nigel Evans, United Kingdom
  - Mr Karol Karski, Poland
- Group of the Unified European Left (UEL)
  - Mr Alessandro Rossi, San Marino
- Venice Commission
  - Mr Owen Masters, United Kingdom
- Secretariat
  - Mr Vladimir Dronov, Head of Secretariat, Interparliamentary Co-operation and Election Observation Unit
  - Ms Rachel Morel, Assistant, Political and Legal Affairs Directorate

4. The ad hoc committee worked as part of an International Election Observation Mission (IEOM), alongside the Election Observation Mission (EOM) of the Parliamentary Assembly of the Organization for Security and Co-operation in Europe (OSCE PA) and the EOM of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR).

5. The ad hoc committee met in Skopje from 30 May to 2 June 2008, and held meetings with, *inter alia*, a representative cross-section of political parties, the Chairman of the State Election Commission (SEC), the Head of the EOM of the OSCE/ODIHR and his staff, as well as representatives of civil society and the mass media.

6. On election day, the ad hoc committee was split into six teams, which observed the elections in and around about 90 polling stations. Three teams were deployed in Skopje and the surrounding area and three teams were deployed in Tetovo, Kriva Palanka and Ohrid.

7. The IEOM concluded that the parliamentary elections in “the former Yugoslav Republic of Macedonia”, on 1 June 2008, failed to meet key international standards, as organised attempts to violently disrupt the electoral process in parts of the ethnic Albanian areas made it impossible for voters in many places to freely express their will. The press release issued after these elections appears in Appendix I.

## **2. Political and legal framework en registration of candidates' lists**

8. On 12 April 2008, the parliament voted to dissolve itself and call early elections on 1 June 2008. The decision was made after the opposition party – Democratic Union for Integration (DUI) – stated that new elections were needed to break the stalemate in the parliament. The move was backed by the ruling parties: the Internal Macedonian Revolutionary Organisation-Democratic Party for Macedonian National Unity (VMRO-DPMNE) and the Democratic Party of Albanians (DPA). The decision was opposed by other opposition

partners, such as the Social Democratic Union of Macedonia (SDSM) and the Liberal Democratic Party (LDP), as well as some coalition parties of the former government. Opponents of the move claimed that early elections would delay the reforms set as benchmarks by the European Union for the start of accession negotiations.

9. Supporters of the move cited the lack of a qualified majority in the parliament and the obstruction of legislative work, as well as challenges in the process of European Union (EU) and North Atlantic Treaty Organization (NATO) integration, and the unresolved issue of the country's officially recognised name, as factors necessitating early elections.

10. In these elections, 120 seats were contested through a system of proportional representation in six districts (20 seats per district).

11. The Election Code, enacted in 2006, provides the legal framework for the elections. In addition, several laws were passed recently, which affect the electoral process.

12. The provisions of the new laws that regulate appeals are not compatible with the code. Under the code, appeals from decisions of the SEC are taken to the Supreme Court. The newly adopted legislation on courts and administrative disputes reassigns jurisdiction over appeals against the administration of elections to a newly-created Administrative Court.

13. The Election Code provides that that every third place on a candidates' list is to be assigned to a female candidate. Political parties met this requirement: out of the total of 1 540 candidates, 35% were women.

14. Registration of candidates' lists was generally inclusive, with 18 lists totalling 1 540 candidates.

15. One coalition was led by the governing VMRODPMNE and consisted of 19 parties. A second coalition was led by the SDSM and consisted of eight parties, who ran under the title of the "Sun – Coalition for Europe" (SONCE). The two largest ethnic Albanian parties, the DUI and DPA, ran individual campaigns.

16. On 9 May 2008, the SEC drew lots to establish the position of candidates on ballot papers.

17. The SEC approved two lists containing candidates who had been sentenced to prison for more than six months, which contravenes Article 7 of the Election Code.

### **3. Voter registration**

18. The Ministry of Justice is responsible for updating the voters' list, based on information it receives from local authorities.

19. Public inspection and revisions of the voters' list was carried out between 22 April and 1 May 2008. Despite an awareness-raising campaign, only 715 changes were made to the list. The total number of voters on the list was established at 1 779 116, a 2% increase over 2006.

### **4. Election administration**

20. The country has a three-tiered election administration headed by the SEC, with 84 municipal election commissions (MECs) and an Election Board (EB) for each of the 2 976 polling stations (PS).

21. The SEC operated in a generally transparent and efficient manner and was able to meet almost all deadlines.

22. MECs only began to meet two weeks before election day, due mostly to the fact that their members were not released from their civil service duties prior to this.

23. A number of EB members in areas of high political tension asked to be excused ahead of the elections for fear of election-day violence. In Tetovo, for instance, 50 individuals, including 10 EB presidents asked to be excused, citing "health problems".

24. The SEC ran a voter education campaign in the national media focusing on voter mobilisation, information on how to vote and warnings not to commit electoral violations. In addition, two national NGOs ran a voter education campaign on television.

## 5. The media environment

25. During the campaign, the media provided voters with a wide range of political views, giving them the opportunity to form educated opinions on the political positions of stakeholders.

26. The Broadcasting Council monitored electronic media in the context of their compliance with existing legislation. In addition, the Council adopted specific guidelines for equitable access to media coverage for political parties during the campaign. However, the parliament did not adopt those guidelines before its dissolution and therefore the document was not legally binding. As a result, the Council's recommendations concerning imbalances in media coverage could not be enforced and no sanctions could be taken with regard to the numerous infractions identified by the Council.

## 6. Complaints and appeals

27. Candidates had only limited access to effective remedies and recourse to appeal against alleged violations prior to the election day that were due to legislative gaps and inconsistencies, as well as to the narrow interpretation of the complaints and appeals bodies, including the SEC. Judges of the primary and appeals courts are still largely unfamiliar with the role they are to play with regard to campaign violations, while the Supreme Court confined the appeals it accepted against the election administration to those that are explicitly described in the code.

28. In the case of an appeal by the SDSM-led coalition against the registration of the candidates' list of the Social Democratic Party of Macedonia (SDPM), which included lead candidates with names very similar to those of the leading SDSM candidates, the Supreme Court rejected the appeal on the grounds that the Election Code does not explicitly provide for such an appeal. As a result, the names of the candidates in question remained on ballot papers.

## 7. The campaign

29. The campaign period lasted twenty days, ending on 30 May 2008, when the twenty-four-hour period of campaign silence began. While the VMRO-DPMNE coalition, the Sun – Coalition for Europe, the DPA and the DUI organised very active and visible campaigns, the other 14 candidates kept a low profile during this period.

30. Campaign rhetoric was at times harsh, with personal attacks and reciprocal accusations peaking towards the end of the campaign period.

31. High-visibility advertising of government policies before the start of the official campaign period gave rise to public criticism. The advertisements were discontinued on 16 May 2008. At the same time, while government financed political advertisements ended, government programmes such as free medical check-ups in public places and the opening of rural health care centres continued unabated. The State Commission for the Prevention of Corruption qualifies this as electoral bribery.

32. On the day before election day, posters appeared in Skopje which appeared to try to confuse voters. They called on voters to vote for the SDPM – the name being reminiscent of the leading opposition party SDSM – and the name of the "leader" of that entity was almost identical to the name of the SDSM leader. Furthermore, the SDPM posters featured the ballot paper number that had been assigned to the SDSM. The SEC publicly condemned this as an attempt to "manipulate voters". In addition, the putting up of these posters on the eve of the election was timed in such a way that any reaction by the public would fall within the campaign silence period, thereby making a public reaction impossible.

33. The campaign period was marred by intimidation and violence in areas inhabited by ethnic Albanians.

34. While all candidates signed a code of conduct committing them to respect the democratic conduct of elections, there were serious, violent incidents in the north and west of the country, where ethnic Albanians are predominant, not only in the run up to the elections, but also on election day. This created tensions and resulted in the intimidation of both voters and election administrators.

35. The police were unable to prevent violence in ethnic Albanian areas. Between 11 and 26 May 2008, the Ministry of the Interior received information about attacks on 14 party headquarters and two municipal branch offices (the DUI suffered 10 attacks, the DPA suffered two, VMRO-DPMNE and SDSM one each). The police response to campaign-related violence was clearly inadequate.

36. In addition to the officially recorded violent incidents, the IEOM received numerous reports about many more incidents, some relating to truckloads of armed men driving through villages at night and Kosovo Albanians illegally crossing the border to exacerbate security problems.

## 8. Election day

37. On election day, violence, including the use of firearms, was widely reported in municipalities in the north and west of the country, areas with a predominantly ethnic Albanian community. One person was killed and several were injured. Two polling stations in Gostivar had to be closed after a group of armed persons overpowered the police and election administrators and stole the ballot boxes. Voting was also closed in Čučer-Sandevo after approximately 30 persons entered the polling station, intimidated EB members and stole election materials. In two unrelated incidents, IEOM observers, as well as two SEC members, were expelled from polling stations by the police.

38. By contrast, voting in areas with a predominantly ethnic Macedonian community was mostly calm and orderly.

39. According to the IEOM statistics, while the opening of PSs was assessed in generally positive terms, the voting itself was assessed as bad or very bad in 8% of the PSs observed. This assessment was worse in predominantly ethnic Albanian areas, where the figures reached 22%.

40. Although voting was conducted in a mainly calm atmosphere, tensions and unrest were recorded in 4% of PSs visited nationwide, with this figure reaching 12% in predominantly ethnic Albanian areas.

41. Procedural errors were recorded throughout the country, with family voting reaching 36% in predominantly Albanian areas (19% nationwide).

42. The vote count was assessed as bad or very bad in 15% of PSs visited (32% in predominantly ethnic Albanian areas).

43. IEOM observers monitored tabulation in 71 out of the 84 MECs. The tabulation was assessed as good or very good in all but two MECs. Overall, tabulation was orderly and transparent. The only report of a deliberate falsification of results came from the Tetovo MEC.

44. The SEC announced that voter turnout was 58%. Of the 2 741 PS results tabulated on the SEC database, 75 showed abnormally high turnout figures. Two polling stations in the predominantly Albanian municipality of Poroj, for instance, showed voter turnout figures of 99% and 100%, with almost all votes cast for the DPA.

45. The SEC announced that it would cancel the results in 22 PSs. The prime minister announced that voting would be re-run in areas affected by violent incidents.

46. As chair of the ad hoc committee, I observed the rerun that took place on 15 June 2008, as a member of an IEOM with the OSCE PA and OSCE/ODIHR.

## 9. The re-run (15 June 2008)

47. After violent incidents on 1 June 2008, which included intimidation, use of firearms, violence and ballot box stuffing and which resulted in one person being killed and more than 10 others injured, the authorities of "the former Yugoslav Republic of Macedonia" decided to annul the elections in 183 polling stations in predominantly ethnic Albanian areas and to organise a re-run scheduled for 15 June 2008.

48. Given its importance, the President of the Assembly requested the ad hoc committee to observe the re-run of the election on 15 June 2008. Regrettably, I was the only member of the ad hoc committee available to observe this re-run. I worked as part of an IEOM, alongside the EOM of the OSCE PA and the EOM of OSCE/ODIHR.

49. I worked in Skopje from 13 to 16 June 2008 and held meetings with the representatives of the two main Albanian political parties, the DPA and DUI, as well as the ruling VMRO-DPNME party, the Chairman of the SEC, high-ranking officials of the Ministry of Interior, as well as the Head of the EOM of the OSCE/ODIHR and his staff.

50. On election day, I observed the elections in the areas with a predominantly ethnic Albanian population, *inter alia*, in Aračinovo, Cair and Gostivar, where the most violent incidents had taken place on 1 June 2008. I visited more than 15 polling stations and also observed the opening and counting procedure after the polling stations had closed.

51. The IEOM concluded that: "Significant improvements in security for the re-run elections enabled most people to freely cast their vote, but this does not alter the assessment that while well administered, certain key OSCE and Council of Europe commitments were not met in the overall parliamentary election process". The press releases issued after the re-run of the parliamentary elections appear in Appendix II.

52. At the Ministry of the Interior I was informed that some 164 criminal charges had been brought against perpetrators of the 1 June election day violations, but that less than 25 people had been taken into custody. International observers reported cases where some people responsible for election offences on 1 June were seen in the area of polling stations on 15 June.

53. According to the Ministry of the Interior, 21 police officials from predominantly ethnic Albanian areas were suspended from their duties due to their involvement in the election irregularities of 1 June.

54. In this connection, I expressed my concern about the quality of policing in some areas. While recognising the progress made by the authorities in implementing the Ohrid Framework (Peace) Agreement, and in increasing the numbers of ethnic Albanians serving in the police force, I believe it is perhaps timely to examine not only the numbers of Albanians serving in the police force, but also the quality of the training received by all those currently serving in the police.

55. The SEC's work in addressing the 1 June election day complaints was effective, open and transparent. The SEC reviewed complaints about election irregularities and violence in 376 polling stations and the results of the vote in 197 polling stations were cancelled. Furthermore, the SEC members did not hesitate to make their own observations about irregularities.

56. Since 1 June, more than 90 complaints have been submitted to the Supreme Court regarding the decisions of the SEC on the cancellation of the results in numerous polling stations. The opposition DUI party submitted four complaints, the governing coalition member, the DPA, submitted 89 complaints. The Supreme Court reversed 11 SEC decisions, contending that it did not find irregularities, even in those dubious cases where voter turnout exceeded 95%.

57. The SEC also dismissed six presidents of MECs in Brvenica, Tetovo, Bogovinje, Gostivar, Lipkovo and Saraj, where there had been the greatest number of problems on 1 June. This move caused some confusion in the preparations for the re-run. In addition, the list of the polling stations in which the re-runs were to be held was only finalised on 13 June.

58. During the period prior to the re-run, the leaders of the two main Albanian political parties regrettably used harsh rhetoric in their campaigning.

59. Election day was generally calm and non-violent. There were no cases of use of weapons or major irregularities. However, there were indications of procedural errors, including five cases of ballot box stuffing and a massive presence of unauthorised persons in the polling stations. The results of the voting were cancelled in four polling stations due to irregularities.

60. The police presence near to the 187 polling stations was much more significant than on 1 June and proved to be effective in preventing violent incidents. In this connection, I wish to stress that the secure and generally calm atmosphere on the day of re-run, just two weeks after the violent incidents and electoral irregularities of 1 June, demonstrate that the tragic events of 1 June could have been avoided.

61. In a multi-ethnic society, the authorities, as well as the political stakeholders, have an important responsibility to ensure genuine conditions for the free expression of the will of citizens, regardless of their different ethnic origin, throughout the territory of the country.

62. The total number of eligible voters for the re-run on 15 June 2008 was 161 668 and the turnout was 48.90%. The opposition DUI party obtained 38 642 votes, whereas the governing coalition member, the DPA, obtained 32 133 votes. According to the SEC, the preliminary cumulative results were: VMRO-DPNME – 63 seats; Sun – Coalition for Europe (SONCE) – 27 seats; DUI – 18 seats; DPA – 11 seats and the Party for European Future (PEI) – one seat.

63. The Parliamentary Assembly of the Council of Europe, in the framework of its monitoring procedures, should closely follow the further development of the situation after the elections and remain ready to assist the country in its continuing democratic development.

## **10. Conclusions and recommendations**

64. Key international standards were not met in the 1 June 2008 parliamentary elections in “the former Yugoslav Republic of Macedonia”.

65. While, technically, the elections were well organised in the greater part of the country, a sizeable proportion of the electorate was deprived of the right to express its will freely due to the irresponsible, violent and destructive actions of activists from the two major Albanian parties.

66. The security chaos witnessed in some parts of the country on election day undermined the declared intention of the authorities to conduct fair elections.

67. The authorities of the country should look into the need to harmonise the Election Code with related legislation passed at a later date.

68. In the future, political stakeholders’ access to effective remedies for alleged violations should be improved, not least through an education campaign aimed at those court officials involved in elections.

69. A detailed audit of the voters’ list should be conducted in time for future elections.

70. In the future, the parliament should make sure that guidelines for broadcasting during the campaign are passed in a timely manner so as to enable the Broadcasting Council to effectively control media behaviour during campaign periods.

71. All instances of violence and electoral fraud should be thoroughly investigated and perpetrators should be brought to justice and sanctioned.

72. Political stakeholders should abandon petty politicking, let alone violence, and engage in a meaningful dialogue in the greater interests of the stability of the country.

73. Many problems revealed in the run-up to the election and on election day are of a systemic nature, rather than merely a matter of imperfections in electoral administration and electoral legislation. In this connection, the Bureau of the Assembly may wish to consider dispatching a post-electoral mission to the country, as provided for in the Rules of Procedure of the Assembly (Observation of Elections by the Parliamentary Assembly, Section C, paragraph vi).

**Appendix 2**

*Appendix 1*

**Violence in parts of the country tarnishes parliamentary elections, observers in Skopje say (Skopje, 2 June 2008)**

*Appendix 2*

**International Election Observation Mission – Re-run of early parliamentary elections, “the former Yugoslav Republic of Macedonia” (Skopje, 15 June 2008)**

*Appendix 3*

**Re-runs held free of violence, but overall process falls short of some key commitments, say observers in Skopje (Skopje, 16 June 2008)**

---

2. These documents are available on the Council of Europe Internet site, at the following address: [www.assembly.coe.int](http://www.assembly.coe.int).