



Republic of Kosovo
Republika e Kosoves-Republika Kosova
Paneli Zgjedhor për Ankesa dhe Parashtresa
Izborni Panel za Zalbe I Predstavke
Elections Complaints and Appeal Panel

Anr. 275/2019

Elections Complaints and Appeals Panel, Panel composed of Judges: Faton Ademi Chairperson Ferki Xhaferi and Adnan Konushevci members, with the participation of high legal official Fatjona Bekteshi, deciding on the complaints submitted by Non-governmental Organization BIRN and INTERNEWS KOSOVA based in Prishtina, submitted against political subject LDK (Democratic League of Kosovo) based in Prishtina due to the breach of electoral silence at the Early elections for the Assembly of Kosova dated on 06.10.2019, at the panel session held on 06.10.2019, made the following :

DECISION

To **Reject as ungrounded** complaint Anr. 275/2019 dated on 05.10.2019, submitted by Non-governmental Organization BIRN and INTERNEWS KOSOVA based in Prishtina, submitted against political subject LDK (Democratic League of Kosovo) based in Prishtina, due to the sponsoring of election campaign on RTK (Radio Television of Kosovo) during the electoral silence.

Reasoning

On 05.10.2019, Non-governmental Organization BIRN and INTERNEWS KOSOVA, submitted the complaint Anr. 275/2019 at ECAP against political subject LDK (Democratic League of Kosovo) with allegations that on 05.10.2019 after midnight Radio Television of Kosovo (RTK) has transmitted a political propaganda publicity spot of political subject LDK, on electoral silence day. It is clear that this action is contrary to Law on General Elections, election rules and Code of Conduct for Political parties according to which any election campaign on the electoral silence day is forbidden. The submitter of this complaint has attached a photo related to the case in question as evidence concerning its allegations.

ECAP, upon preliminary review of grounds of the complaint and assessment of the allegations submitted in the complaint and material evidence – the attached photo to the case file, in accordance with Article 117 paragraph 2 and 3 of LGE, found that:

The complaint is ungrounded.

The panel assessed that the submitter of the complaint, in support to his allegations, did not provide clear and convincing evidence, it is up to the complainant to provide evidence, in the case in question, the panel could not ascertain the date of the sponsored spot which was transmitted on RTK (Radio Television of Kosovo).

Based on evidence provided by the complainant, it cannot be verified in a convincing and clear way whether the date of transmitting the spot matches the electoral silence day because no evidence on the case file shows the date and hour of the alleged spot as it was claimed in the allegations.

Therefore, based on the abovementioned reasons and according to Article 115 paragraph 1, 117 and 118 paragraph 1 of LGE, the panel decided as in the enacting clause

Elections Complaints and Appeals Panel

Faton Ademi, **Chairperson**
(signed & stamped)

Legal remedy: *No appeal is allowed against this decision as per Article 118 paragraph 4 of LGE.*