



Republic of Kosovo
Republika e Kosovës-Republika Kosova
Paneli Zgjedhor për Ankesa dhe Parashtresa
Izborni Panel za Zalbe i Predstavke
Elections Complaints and Appeals Panel

A.no. 365/2019

Elections Complaints and Appeals Panel(ECAP), Panel composed of Judges: Adnan Konushevci Chairperson, Fejzullah Rexhepi and Faton Ademi members assisted by legal official Fatjona Bekteshi, deciding on the complaint submitted by political subject Party of Kosovo Serbs (SRB) based in Leposavic submitted against Serbian List (LS) based in North Mitrovica and “MTS DOO” Company in Mitrovica, due to the breach of electoral silence on the Early Elections for Assembly of Republic of Kosovo dated on 06.10.2019, at the panel session held on 10.10.2019, made the following :

DECISION

To **dismiss as belated** the complaint identified with number A.nr.365/2019 dated on 09.10.2019 submitted by political subject Party of Kosovo Serbs (SRB) based in Leposavic submitted against Serbian List (LS) based in North Mitrovica and “MTS DOO” Company in Mitrovica, due to the breach of electoral silence.

Reasoning

On 09.10.2019, ECAP has received a complaint submitted by political party Party of Kosovo Serbs (SRB) based in Leposavic submitted against Serbian List (LS) based in North Mitrovica and “MTS DOO” Company in Mitrovica which is registered in the system of Republic of Kosovo for telecommunications matters, on the election day at about 07:45hrs., and 14:08hrs., sent to all MTS Kosovo subscribed users the systematic text message with the following content “ *Serbia calls you to vote. Vote for the Serbian list with number 135*” all this in favor of Serbian List in order to direct or influence on citizens on their vote thus acting contrary to the legal provisions respectively breaching the electoral silence.

Panel, upon preliminary examination of the time limit of the complaint, found that

Complaint is belated

Panel, upon review of the complainant, found that the complaint submitted by the political party Party of Kosovo Serbs (SRB) against Serbian List (LS) and “MTS DOO” Company in Mitrovica was submitted after the expiry of legal time limit as provided in Article 5 paragraph 5 of regulation 02/2015 ‘ Rules and procedures’ which provides that :’ *concerning all issues which are not directly linked to the voting and counting, the complaint shall be submitted at ECAP within 24 hours from the alleged violation*” ..Therefore

based on the review of the case file it results that the complainant has submitted the complaint to CEC on 09.10.2019 whereas the deadline of twenty-four hours (24) from the moment when the alleged violation occurred and which according to the complainant it was on 07.10.2019 which means that the complainant submitted the complaint after the expiry of the dead line provided as per Article 5 paragraph 5 of rule 02/2015” Rules and procedures”.

Based on the abovementioned reasons and in accordance with Article 6 paragraph 4 of the rule 02/2015 “Rules and procedures”, Article 115 paragraph 1 and 118 of LGE, Panel decided as in the enacting clause of this decision.

Elections Complaints and Appeals Panel

A.no. 350/2019 dated on 10.10.2019

Adnan Konushevci, **Chairperson**
(signed)

Legal remedy: *No appeal is allowed against this decision.*