



**REPUBLIC OF ALBANIA
CENTRAL ELECTION COMMISSION**

DECISION:

**FOR VERIFICATION OF DECLARATIONS FORMS ON THE CANDIDATE FOR THE
MAYOR OF MUNICIPALITY PUSTEC, MR. EDMOND THEMELKO. ON
IMPLEMENTATION OF LAW NO.138 / 2015 "ON THE PURPOSE OF INTEGRITY OF
PERSONS RESPONSIBLE, APPOINTED OR USED PUBLIC FUNCTIONS"**

The Central Election Commission in its meeting of 19.05.2019, with the participation of:

Klement ZGURI – Chairman

Denar BIBA - Deputy Chairman

Bledar SKËNDERI- Member

Edlira JORGAQI- Member

Rezarta BITRI- Member

Reviewed the case with:

OBJECT: To verify the declarations in the self-declaration form of candidate for Mayor Municipality Pustec, Edmond Themelko pursuant to Law No.138 / 2015 "On guaranteeing the integrity of persons elected, appointed or exercising public functions".

LEGAL REFERENCE: Article 23, point 1, letter a, of Law No. 10019, dated 29.12.2008 "The Electoral Code of the Republic of Albania ", as amended; Article 5, paragraph 4, letter "a" of Law no. 138/2015, "On guaranteeing the integrity of persons elected, appointed or exercising public functions"; Chapter V of Assembly Decision no. 17/2016 "On the Determination of Detailed Rules on the Implementation of the Provisions foreseen in Law No.138 / 2015," On guaranteeing the integrity of persons elected, appointed or exercising public functions ".

The Central Election Commission after reviewing the submitted documentation and listening to the discussions of the attendees,

NOTES:

Pursuant to Article 67, paragraph 2 and Article 72 and Article 165, point 3 of Law no. 10019, dated 29.12.2008 "Electoral Code of the Republic of Albania", "Macedonian Alliance for European Integration" has deposited with the CEC a request for the registration of Mr. Edmond Themelko as the mayor of Pustec.

Also Mr. Edmond Themelko in accordance with article 5, point 4, letter "a" of law no. 138/2015 "On guaranteeing the integrity of persons elected, appointed or exercising public functions", has filed with the Central Election Commission the self-declaration form as the competent body for the administration, verification, implementation of the prohibition of election and appointment in the public function where including the mayor's office function. By verifying the self-declaration form, it results z. Edmond Themelko has stated: Sentenced to 3 months imprisonment (one year for criminal offense) for the criminal offense Article 23 of the Excise Tax Law in Northern Macedonia by decision of the Municipal Court of Struga K.Nr.75 / 95, dated 21.09.1995.

He stated that he was investigated by the Special Prosecutor's Office of the North of Macedonia for the "Titanic" case, on the 17.2.2016 until 15.0.2016, amnestied by the President of the Republic by decision no. 535/8 dated 12.04.2016 on electoral manipulation. Struga Prosecutor's Office for Commercial Law, Excise Law, dated 21.09.1995, Rehabilitated by the decision KS, KR.NR.36 / 16, dated 21.03.2016, entered into full force on 11.04.2016 The Special Prosecution of North Macedonia, Skopje for Electoral Impact, on 17.02.2016, the Presidency of the Republic of North Macedonia by Decision No. 08-856 / 5 dated 12.04.2016, annulled the amnesty given with no.535 / 8 dated 12.04.2014. 2016. for this reason have resumed investigations ceased for this case. Currently the materials are being tried at the First Instance Court Skopje 1 and the case is in the process. Struga Police, for salmon trading, Excise Law, dated 21.09.1995, released date 09/21/1995. Resnjes City Police, at the request of the Special Prosecution of North Macedonia, dated 12.02.2016, released on 12.2.2016

The Special Prosecution of North Macedonia, at the request of the Special Prosecution of North Macedonia, arrested by the KOK-Kr- No.198 / 17 dated 15.09.2017 by the Macedonian authorities was made because I have been circulating with Albanian identification documents while the authorities Macedonians because of the resumption of investigations after breaking the amnesty's decision by the Presidency of the republic with having blocked the Macedonian ID, by decision no. KOK-Cr.228 / 17 dated 25.11.2017 has changed the security measure from arrest to jail under house arrest. By decision KOK-Kr.Nr. 777/18 dated 09.11.2018 has changed the measure of house arrest with compulsion. Resnje town court, for Article 394, page 2, no. 159, page 2, no. 24 and no. 45, on electoral manipulation, amnestied by the President of the Republic of North Macedonia with no.535 / 8, date 12.04.2016 as well as the decision of the Court of Skopje1, II KOK PP no. 42 / 16-7, dated 15.04.2016, period 17.02.2016-15.04.2016.

The Court of the District Court Skopje 1, Skopje, the Republic of North Macedonia, does not remember the electoral manipulations, arrested by the KOK-Kr no. 198/17 dated 15.09.2017 by the Macedonian authorities was done because I was circulating with Albanian identification documents while the Macedonian authorities had blocked the Macedonian identity document because of the resumption of investigations after the cancellation of the amnesty decision by the President of the Republic. By decision no. 228/17 the security measure from custody to house arrest detention has been changed. By decision KOK-KR.777 / 18 dated 09.11.2018, the measure of custody of the house with compulsory representation was changed.

The Central Election Commission, pursuant to Law No. 38/2015 "On guaranteeing the integrity of persons elected, appointed or exercising public functions" and Chapter V, point 2, letter "b" and point 3, letter "c" of Assembly Decision no. 17/2016 "On the establishment of detailed rules on the implementation of the prohibitions provided by law no. 138/2015 ", requested information from the state's office and judicial office for candidates for members in municipal councils who submitted the self-declaration forms to the Central Election Commission.

The judicial office has sent to the Central Election Commission, verifying the judicial situation, which results that Mr. Edmond Themelko is unpunished by the Albanian courts. From the first face of the data in the form of self-declaration and the verification of the judicial status) according to article 2 and article 4 of the law no. 138/2015 "On guaranteeing the integrity of the persons elected, appointed or exercising public functions", the circumstances set out by Mr. Edmond Themelko, are not included in the terms of the prohibition of candidacy and for election to the post of deputy.

Regarding the prohibitions provided in Article 2, point 2 of Law no. 138/2015 "For guaranteeing the integrity of persons elected, appointed or exercising public functions", for prohibition, security measures taken outside the territory of the Republic of Albania, the Central Election Commission, does not have the power to carry out verifications.

Referring to article 8, point 1 of law no. 138/2015 "On guaranteeing the integrity of persons elected, appointed or exercising public functions", Chapter V, point 2, letter "c", of Assembly Decision no. 17/2016 "On the establishment of detailed rules on the implementation of the prohibitions provided by law no. 138/2015 "is the General Prosecutor's Office, which carries out the full verification of the declarations made.

According to the above mentioned provisions, the verification procedure under this point shall not prevent the continuation of the procedures for the election, appointment or exercise of the function.

The Central Election Commission, referred to point 2, last paragraph, of Chapter V of Decision No. 17/2016 of the Assembly ascertains that the declared data do not constitute a condition for non-registration as a candidate under Law 138/2015.

Also, the CEC has made the publication of the declaration form on the official website.

Referring to article 33, letter "f" of the Electoral Code, the Electoral Administration Zone Commission has the competency for the registration of candidates for the elections of the local government bodies, in those municipalities that are administered by a CEAZ.

Referring to Law no. 138/2015 "On guaranteeing the integrity of persons elected, appointed or exercising public functions" and point 5/1, 6 of article 9 of instruction no. 2, dated 29.01.2013 "On the rules for the deposit and verification of the candidacy documentation and the deadlines for the publication of the candidates' lists", the CEAZ should continue the procedures for the registration of the candidate for Mayor Pustec, Qarku Korçë, proposed by the Party " Macedonian Alliance for European Integration "for elections to local government bodies of 30 June 2019.

FOR THESE REASONS:

The Central Election Commission, based on Article 23, paragraph 1, letter a, of Law No. 10019 dated 29.12.2008 "Electoral Code of the Republic of Albania", as amended; Article 5,

point 4, letter f, of the Law No.138 / 2015, "On guaranteeing the integrity of persons elected, appointed or exercising public functions"; Chapter V of the Assembly Decision No.17 / 2016 "On the Determination of Detailed Rules on the Implementation of the Provisions foreseen in Law No.138 / 2015," On guaranteeing the integrity of persons elected, appointed or exercising public functions ".

DECIDED:

1. Notification of CEAZ no. 69 on the continuation of the procedures for the candidate candidate for Mayor Pustec, Korça County, proposed by the "Macedonian Alliance for European Integration" for local government elections of June 30, 2019.
2. This decision shall enter into force immediately.

Klement ZGURI – Chaiman

Denar BIBA - Deputy Chairman

Bledar SKËNDERI- Member

Edlira JORGAQI- Member

Rezarta BITRI- Member