



REPUBLIC OF ALBANIA
CENTRAL ELECTION COMMISSION
DECISION

**FOR THE VERIFICATION OF DECLARATIONS IN SELF-DECLARATION FORM OF THE
CANDIDATE FOR THE MAYOR IN HIMARA MUNICIPALITY MR. DHIONISIOS
ALFRED PETRO BELERI, PURSUANT TO THE LAW NO. 138/2015 "ON
GUARANTEEING THE INTEGRITY OF THE PERSONS ELECTED AND/OR APPOINTED
TO, OR EXERCISING PUBLIC FUNCTIONSON "**

The Central Election Commission, in its meeting on 17.05.2019, with the participation of:
Klement ZGURI - Chairman
Denar BIBA - Deputy Chairman
Bledar SKENDERI - Member
Edlira JORGAQI - Member
Rezarta BITRI - Member
Reviewed the case with the following

OBJECT: : For the verification of declarations in self-declaration form of the candidate for the mayor in Himara Municipality Mr. Dhionisios Alfred Petro Beleri, pursuant to the law no. 138/2015 "On guaranteeing the integrity of the persons elected and/or appointed to, or exercising public functions".

LEGAL REFERENCE : Article 23, point 1, letter "a", of the law no. 10019 dated 29.12.2008 "Electoral Code of the Republic of Albania", as amended; Article 10, point 1, letter "a" and article 11 of law no. 138/2015, "On guaranteeing the integrity of persons elected, appointed or exercising public functions", Article 5, point 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 establishment of detailed rules on the implementation of the prohibitions provided by law no. 138/2015, "On guaranteeing the integrity of persons elected, appointed or exercising public functions".

CEC after reviewing the submitted documentation and listening to the discussions of representatives of political parties,

NOTES

Pursuant to Article 67, paragraph 2 and Article 72 and Article 165, point 3 of Law no. 10019, dated 29.12.2008 "The Electoral Code of the Republic of Albania" Dhionisios Alfred Petro Beleri, has submitted a request for registration as candidate for mayor of Himara in the CEC.

Mr. Dhionisios Alfred Petro Beleri, 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 also submitted in the Central Election Commission the self-declaration form no. 3267, dated 13.05.2019, as the competent body for the administration, verification, implementation of the prohibition of election and appointment in the public office, including the function of the candidate for mayor.

By verifying the self-declaration form, the mayoral candidate in the Municipality of Himara, Dhionisios Alfred Petro Beleri, has stated as follows:



Pursuant to Article 67, paragraph 2 and Article 72 and Article 165, point 3 of Law no. 10019, dated 29.12.2008 "The Electoral Code of the Republic of Albania" Dhionisios Alfred Petro Beleri, has filed a request for registration as candidate for mayor of Himara in the CEC.

Also Mr. Dhionisios Alfred Petro Beleri, 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 no. 3267, dated 13.05.2019, as the competent body for the administration, verification, implementation of the prohibition of election and appointment in the public office, including the function of the candidate for mayor.

By verifying the self-declaration form, the mayoral candidate in the Municipality of Himara, Dhionisios Alfred Petro Beleri, has stated as follows:

The Central Election Commission pursuant to the law no. 138/2015 "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 civil status office and judicial office for the candidate for mayor, who submitted the self-declaration form to the Central Election Commission.

The judicial office has sent to the Central Election Commission, verifying the judicial situation, which results that Mr. Dhionisios Alfred Petro Beleri:

Based on the decision no. 302 dated 18.07.2006 of the Vlora District Court, he was found guilty of the criminal offense of "Call for National Hate", "Humiliation of the Republic and its Symbols" provided by Articles 266, 25, 268 of the Criminal Code and based on of these provisions, in conjunction with the sentences was sentenced to three (3) years imprisonment. Vlora Court of Appeal with decision no. 509 dated 26.12.2006 has decided to leave the decision no. 302 dated 18.07.2006 of the Court of the Vlora Judicial District. The Supreme Court with decision no. 09 dated 04.02.2009 has decided to leave the decision no. 509 of 26 December 2006 of the Vlora Court of Appeal.

Pursuant to Article 69 Criminal Code is rehabilitated

Referring to the letter "c" of point 1 of Article 2 of Law no. 138/2015 "On guaranteeing the integrity of persons elected, appointed or exercising public functions", prohibition of running, election or exercise of the function shall apply to persons who have been sentenced with imprisonment by a final decision for intentional commission of one crime that is not included in letters "a" and "b" of this paragraph, and when they have been sentenced to not less than two years of imprisonment.

Law no. 138/2015 "On guaranteeing the integrity of persons elected, appointed or exercising public functions", Article 4 provides for the period during which the provisions of this law for the prohibition, candidacy, election or exercise of the function shall apply, depending on type of criminal offense declared / convicted.

According to Article 4 of the afore mentioned law

4. For persons referred to in point (c) of paragraph 1 of article 2 of this law, the prohibition of candidacy, election or exercise of office lasts 10 years from the moment of termination of imprisonment, according to the final judicial decision

.....

9. Reduction of the amount of punishment due to a shortened trial or similar proceeding that passes the punishment reduction, amnesty, de-penalization, pardon, suspension of the sentence, premature release on parole or any shorter sentence in accordance with the law, do not affect the



implementation of this law and are not calculated in the function of shortening the term of the sentence, in order to shorten the period of the prohibitions provided by this law. This law does not apply to penalties imposed on provisions that have been repealed by the Constitutional Court after the issuance of the appropriate punishment as provisions contrary to the Constitution in force at the time of the punishment.

Law no. 138/2015 "On guaranteeing the integrity of persons elected, appointed or exercising public functions", Article 4 provides the period during which the provisions of this law shall apply for the prohibition, candidacy, election or exercise of the function ,depending on the type of criminal offense declared.

According to Article 4 of Law no. 138/2015 "On guaranteeing the integrity of persons elected, appointed or exercising public functions" for the persons provided for in paragraph 1 of article 2 of this law, the prohibition of candidacy, election or the term lasts 10 years from the moment of termination of imprisonment, according to the final court decision. Referring to the amount of the punishment and the date when the execution of the punishment has begun, the punishment must be completed on 19.07.2009.

CEC, pursuant to Law no. 138/2015 has to consider whether the verification process data included within the scope of the prohibitions provided by Article 2 of Law no. 138/2015 "On guaranteeing the integrity of persons elected, appointed or exercising public functions".

Criminal offenses of "Hate National Hate", "Humiliation of the Republic and its Symbols", provided by Articles 266,25, 268 of the Criminal Code and the time of serving a sentence of 3 years imprisonment are included in the area of prohibition of exercise of the mandatory function of article 2, point 1, letter "c" of law no. 138/2015.

According to the provisions of point 13 of the Assembly Decision 17.2016, the CEC after finding that the data is included within the scope of the prohibitions provided by Article 2 of Law no. 138/2015, the CEC verified whether they were included within the detention period provided for in Article 4 of Law No.138 / 2015.

Pursuant to Article 4 of Law no. 138/2015 "On guaranteeing the integrity of persons elected, appointed or exercising public functions", for the persons provided for in letter "a", paragraph 1 of Article 2 of this Law, the prohibition of candidacy, election or exercise of office lasts 10 years from the moment of termination of imprisonment, according to the final court decision, Dhionisios Alfred Petro Beleri candidate for mayor of Himara, is within the period of prohibition of exercising the function until 19.07.2019.

Referring to the date of decision no. 302 dated 18.07.2006 of the Court of the Vlora Judicial District, sentencing with 3 (three) years of imprisonment, confirmation of the judicial status, Dionysios Alfred Petro Beleri is included within the period of prohibition for running as a candidate for mayor.

For the foregoing, since the conditions for detention have been verified before the candidacy process referred to in Article 10, paragraph 1, letter "c" of Law no. 138/2015, the CEC should refuse Mr. Dhionisios Alfred Petro Beleri.



DECIDED:

1. To refuse/turn down the candidacy of Mr. Dhionisios Alfred Petro Beleri, candidate for mayor Himare.
2. This decision comes into effect immediately .
3. An appeal can be filed against this decision in the Electoral College of Tirana Court of Appeals, within 5 days from its publication.

Klement ZGURI - Chairman

Denar BIBA - Deputy Chairman

Bledar SKËNDERI - Member

Edlira JORGAQI - Member

Rezarta BITRI - Member



No. 516 Decision Date 17.05.2019 of the Decision Time 18:00 of the Decision
For the verification of declarations in the self-declaration form of candidate for mayor in Himara Municipality pursuant to law no. 138/2015 "On guaranteeing the integrity of persons elected, appointed or exercising public functions"