



**REPUBLIC OF ALBANIA
CENTRAL ELECTION COMMISSION**

DECISION:

FOR VERIFICATION OF DECLARATIONS FORMS OF CANDIDATE SELECTED FROM MULTINAME LIST FOR THE MUNICIPAL COUNCIL OF THE SOCIALIST PARTY OF ALBANIA (ASE) IN APPLYING LAW NO. 138/2015 "ON THE GUARANTEE OF PERSONAL INTEGRITY, APPOINTED OR EXERCISING PUBLIC FUNCTIONS" FOR ELECTIONS FOR LOCAL GOVERNMENT BODIES OF 30 JUNE 2019

The Central Election Commission in its meeting of 18.05.2019, 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: For verification of declarations forms of candidate selected from the multiname list for the municipal council of the socialist party of Albania (ASE) in applying law no. 138/2015 " On the guarantee of personal integrity , appoinetd or exercising public functions" for elections for local government bodies of 30 june 2019.

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 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 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".

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

NOTES:

The Socialist Party of Albania, in accordance with Article 5, paragraph 4, letter "a" of law no. 138/2015 "On guaranteeing the integrity of persons elected, appointed or exercising public functions", has filed in the Central Election Commission the self-declaration forms of candidates for the municipal council, Perrenjas, Goodies, Kavajë, Rogozhinë, Skrapar, Maliq, Pogradec, Pustec, Polican, Gramsh, Kucovë, Fushe Arrës, Vau i Dejës, Pukë, Delvinë, Berat, Përmet, Mallakastër, Bulqia, Këlcyrë, Sarandë, Cërrik, Klos, Dropull, Krujë, Kurbin, Gjirokastër, Belsh, Memaliaj, Finiq, Shijak, Libohova, 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 councilor of the municipality.

Pursuant to the law no. 138/2015 "On guaranteeing the integrity of persons elected, appointed or exercising public functions", the CEC has verified the data in the self-declaration forms for each multi-name list candidate.

By verifying the self-declaration forms of candidates for members in the municipal councils for these municipalities: Goodies, Kavajë, Rogozhinë, Skrapar, Maliq, Pogradec, Pustec, Polican, Gramsh, Kucova, Fushe Arrës, Vau i Dejës, Pukë, Delvinë, Berat, Përmet, Mallakastra, Bulqia, Këlcyra, Saranda, Cërrik, Klos, Dropull, Kruja, Gjirokastra, Belsh, Memaliaj, Finiq, Shijak, Libohova, none of them has stated any data related to prohibition law no. 138/2015, "On guaranteeing the integrity of persons elected, appointed or exercising public functions".

- a. By verifying the self-declaration forms of candidates for members in the municipal councils, for the municipality Kurbin it results that has stated only no. Rule 31 has declared a ban by the police station no. 4 Tirana on 11.01.2011.

b. By verifying the self-declaration forms of candidates for members in the municipal councils for the municipality of Perrenjas it results that:

- Nr. 1 Haxhi Avni Çollaku, in point 4. stated that it was proceeded by the Elbasan Prosecutor's Office, 72 hours security measure was held, which was recorded on the results, period 22.01.2019 -

01/25/2019. In point 5, it has stated the coercive measure "enforceability" by the Elbasan Court for committing the criminal offense "Road Accident", provided by Article 290 of the Criminal Code, is under investigation.

- NR. 2 Medi Sali Hana, stated that he was prosecuted by the Elbasan Prosecutor's Office, was held 72 hours of security measure, the investigation period 16.10.2018 - 20.10.2018, in point 5, stated the "imposition obligation" of the measure that was revoked for the commission of the criminal offense "Exercise of illegal influence on persons exercising functions public ", provided by Article 245/1 and 25 of the CC, is in trial.

- Nr. 19 Fatos Nezha has imposed a fine of 50,000 lek from the Court of Korça, decision I 2002, for the criminal offense "Overcoming the competencies of police officers".

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 ", has requested information from the courtroom office and the civil registry office through the documents as well

via email for the candidates for members in the municipal councils who have submitted the self-declaration forms to the Central Election Commission.

a. The judicial office has sent to the Central Election Commission, the verification of the judicial status for the candidates for members in the municipal councils, municipalities, Perrenjas, Goodies, Kavajë, Rogozhinë, Skrapar, Maliq, Pustec, Polican, Gramsh, Kucovë, Delvinë, Berat , Permet, Mallakastra, Bulqia, Kelcyra, Sarandë, Cërrik, Klos, Dropull, Krujë, Belsh, Memaliaj, Finiq, Shijak, according to which results result unpunished by the Albanian courts.

b. Office of Judicial Status with letter no. 3615/1 prot., Dated 16.05.2019 sent on The Central Election Commission, the judicial review of candidates for members of the municipal councils, Fushë Arrës, Vau i Dejes, Puka, Pogradec, Kurbin, Libohova, Gjirokastra, according to which it results that:

- **Municipality of Gjirokastra, Gentjan Llogo** Law no. 8, based on the decision no. 70 date

15.05.2006 The Court of the Gjirokastra District Court found guilty of the criminal offense "Abuse of duty". Pursuant to Article 248 of the CC is sentenced to 300 thousand ALL fine. Rehabilitated on the basis of Article 69 of the Code of Criminal Procedure.

- **Municipality of Libohova, Andi Ruçi** with no. 10 rendered according to the decision no. 63 date 15.02.2016 Court of the Gjirokastra Judicial District has pleaded guilty to the criminal offense

"Organizing Missing Lotteries". Rehabilitated on the basis of Article 69 of the Code of Criminal Procedure.

- **Kurbin Municipality, Artur Bardhi** with no. 2 Order based on decision no. 124 date 10.09.1990 The Kruja Judicial District Court found guilty of the criminal offense "Illegal border crossing". Pursuant to Article 127 and 11/1 of the Constitution, punishment is 1 month and 15 days imprisonment. Rehabilitated on the basis of Article 69 of the Code of Criminal Procedure.

- **Municipality of Puka, Bardhok Frroku** with no. 10 rendered according to the decision no. 69 date 22.09.2003 The District Court of Pukë has pleaded guilty to the criminal offense "For Holding Unlicensed Explosives". Pursuant to Article 278/2 of the Constitution, punishment is sentenced to 2 months imprisonment. Rehabilitated on the basis of Article 69 of the Code of Criminal Procedure.

- **Municipality of Fushe-Arrëz, Marie Nikolli** with no. 11 on the basis of the decision no. 52 date

24.10.2016 Court of the Saranda Judicial District has pleaded guilty to the criminal offense "Falsification of school documents". Pursuant to Article 187/1 of the Constitution, the punishment is 80 thousand Lek. Rehabilitated under Article 69 of the Criminal Code

- **Municipality of Pogradec, Alfons Culi** with no. 27 on the basis of decision no. 190 date 16.02.2012 The District Court of Pogradec pleaded guilty to the criminal offense "Malicious use of telephone calls". Pursuant to Article 275 of the CC is sentenced to a fine of 600 thousand ALL. Rehabilitated under Article 69 of the Criminal Code

- **Municipality of Vau i Dejes: David Huba** with no. Order based on decision no. 41, dated 08.02.2005 The Court of the Shkodra Judicial District has pleaded guilty to the criminal offense of falsification of school documents. Pursuant to Article 187/1 of the Criminal Code, it is punishable by 300,000 leks of fine. Rehabilitated under Article 69 of the Code of Criminal Procedure

2. Dylaver Murriqi with no. 46, based on the decision no. 111, dated 09.02.2015 The Court of the Shkodra Judicial District found guilty of the criminal offense "Irregular way of driving the vehicle". Pursuant to Article 281 of the CC is sentenced to one month imprisonment. Rehabilitated under Article 69 of the Criminal Code

The Central Election Commission, referred to point 2, last paragraph, of Chapter V of Decision no. 17/2016 of the Assembly, ascertains that for the persons listed on the multi-name list their data do not constitute a condition for not registering as a candidate for the municipal council, according to the law no. 138/2015. The CEC has also published self-declaration forms on the official website.

Municipality of Vau i Dejes: Anton Dodani with no. 44 rendering based on the decision no. 572 dated

06.06.2016 The Shkodra Judicial District Court found guilty of the criminal offense "Manufacturing and narcotics sales ". Pursuant to Article 283/1 of the CC, he is sentenced to 3 years and 4 months imprisonment

Referring to note "a" of point 1 of article 2 of law no. 138/2015 "On guaranteeing the integrity of persons elected, appointed or exercising public functions", prohibition on running, election or exercise of the function applies to persons who have been sentenced with imprisonment by a final decision within or outside the republic of Albania for the conduct of acts or omissions that constitute a criminal offense, according to articles 283/1 of CC (Manufacturing and sale of narcotics).

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 aforementioned law

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For persons referred to in point (a) of paragraph 1 of Article 2 of this Law, the prohibition of nomination, election or exercise of the function for persons provided for in point (a) of paragraph 1 of Article 2 this law, prohibition of candidacy, election or exercise of a mandate lasts for a lifetime.

Referring to the classification of the criminal offense (declared guilty of the criminal offense "Manufacturing and sale of narcotics" provided by article 283/1 Kp is sentenced to 3 years and 4 months of imprisonment), the prohibition period for running, selecting or exercising the function lasts throughout life.

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. Anton Dodani.

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

Referring to Law no. 138/2015 "On guaranteeing the integrity of the persons elected, appointed or exercising public functions" and point 5/1, 6 of the article 9 of the instruction no.2, dated 29.01.2013 "On setting the rules for depositing and verification of documentation candidacy and deadlines for the publication of candidate lists ", the CEAZ should continue the procedures for the registration of the multi-name list for the council of

the Municipality of Perrenjas, Goodies, Kavajë, Rogozhinë, Skrapar, Maliq, Pogradec, Pustec, Polican, Gramsh, Kucova, Fushe Arrës , Vau i Deja, Puka, Delvina, Berat, Përmet, Mallakastra, Bulqia, Këlcyra, Saranda, Cërrik, Klos, Dropull, Kruja, Kurbin, Gjirokastra, Belsh, Memaliaj, Finiq, Shijak, Libohova of the Socialist Party of Albania for elections to the governing bodies local elections of June 30, 2019. CEAZs should continue the procedures for the registration of the multi-name list for the council of the Municipality of Vau i Dejes from no. 1 to 47 by replacing no. 44 z. Anton Dodani.

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 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".

DECIDED:

1. To refuse the candidacy of Mr. Andon Dodani with no. 44 Municipal Council Order Vau i Deja, Shkodra district, Albania's Socialist Party.
2. The Socialist Party's announcement to replace the candidacy within the deadline for submission of candidates.
3. Notification of the respective CEAZ for the continuation of procedures for the registration of the multi-name list for the council of the Municipality of Perrenjas, Goodies, Kavajë, Rogozhinë, Skrapar, Maliq, Pogradec, Pustec, Polican, Gramsh, Kucova, Fushë Arrës, Pukë, Delvinë , Berat, Përmet, Mallakastra, Bulqia, Kelcyra, Saranda, Cerrik, Klos, Dropull, Kruja, Kurbin, Gjirokastra, Belsh, Memaliaj, Finiq, Shijak, Libohova, Socialist Party of Albania for local government elections of June 30 2019.
4. Notification of CEAZ no. 06 to continue the procedures for registering the multi - name list form the council of the Municipality of Vau i Dejes from no. 1 to 47 by replacing no. 44 z. Anton Dodani.
5. This decision shall enter into force immediately.
6. An appeal may be filed against this decision within 45 days of the Administrative Court

First Level Tirana.

Klement ZGURI – Chaiman

Denar BIBA - Deputy Chairman

Bledar SKËNDERI- Member

Edlira JORGAQI- Member

Rezarta BITRI- Member