



**REPUBLIC OF ALBANIA
CENTRAL ELECTION COMMISSION**

DECISION:

**ON VERIFICATION OF DECLARATIONS FORMS OF CANDIDATES FROM THE
MULTINAME LIST FOR FOR THE MUNICIPAL COUNCIL IN IMPLEMENTATION LAW
NO. 138/2015 "ON THE GUARANTEE OF INTEGRITY OF PERSONS ELECTED,
APPOINTED OR EXERCISING PUBLIC FUNCTIONS" FOR ELECTIONS FOR LOCAL
GOVERNMENT BODIES OF 30 JUNE 2019**

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 :For verification of declarations in the candidate's self-declaration forms from multi-name lists for municipal councils pursuant to Law no. 138/2015 "To guarantee the integrity of the persons being elected, are appointed or exercising public functions ".

LEGAL BASIS: The Central Election Commission, based on Article 23, paragraph 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" of Law 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".

NOTES:

The Albanian Democratic Reform Party, a member of the Coalition "Alliance for European Albania", 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 in the Central Election Commission the self-declaration forms of candidates for the council of the municipalities of Mat, Gramsh, Has, Këlcyra, Kukës, Librazhd, Tropoja, Malësi e Madhe and Peqin 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 Law No.138 / 2015 "On guaranteeing the integrity of persons elected, appointed or exercising public functions", the CEC has verified the data on the self-declaration forms for each multi-name list candidate. By verifying the data in the self-declaration form, it turns out that none of the candidates have declared any data.

GRANIT SHATRI candidate registered in the multi-name list Albanian Democratic Reform Party with ordinal number 01, Has Has declared that he was deported from the English state for an unlawful stay on 16.09.2016.

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 courtroom office and the civil registry office via emails as well as via email for the candidates for members in the municipal councils who submitted the self-declaration forms to the Central Election Commission.

In response to the letter, the judicial office has sent to the CEC a judicial review of the candidates for a member of the municipal councils of Mat, Gramsh, Has, Këlcyrë, Kukës, Librazhd, Tropojë, Malësi e Madhe and Peqin,

NEZIR FERATI candidate registered in the multi-name list Albanian Democratic Reform Party with ordinal number 17, Kukës Municipality. According to the memo no.3673 prot,

dated 16.05.2019 of the CEC addressed to the General Directorate of Prisons, Judicial Status Section, based on Judicial Statements no. v-1521/1, dated 17.05.2019, results with decision no.688, dated 30.05.2007, Tirana District Court found guilty of the criminal offense "Production and sale of narcotics" under Article 283/2 of the Code. Penal Code and Article 406 of the Code of Criminal Procedure shall be punishable by five (5) years and eight (eight) months of imprisonment. The Court of Appeals of Tirana, with decision no.868, dated 26.11.2007, has decided to leave the decision in force. The Supreme Court, by its Decision No. 739, dated 18.12.2009, decided not to accept the recourse. Mr. Nezir Ferati for this criminal offense has been rehabilitated under Article 69 of the Criminal Code. Referring to item 1 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 a) committing acts or omissions that constitute a criminal offense under Articles 73, 74, 75, 76, 77, 78, 78 / a, 79, 79 / a, 79 / c, 86, 87, 88, second paragraph, 89 / a, 100, 101, 102, 102a, 103, 104, 105, 106, 109/b 109/ c, 110 / a, 111, 114, 128 / b, 135, 136, 140, 141, 143 / a, 215, 216, 217, 218, 220, 221, 222, 230, 230 / a, 230 / b, 230 / c, 231, 232, 232 / a, 232 / b, 233, 234, 234 / a, 234 / b, fifth and sixth, 278 / a, 282 / a, 283, 283 / a, 284 / a, 287 relating to the commission of a crime provided for in this paragraph, 333, 333 / ae 334 of the Criminal Code;

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

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 apply for the prohibition, running, election or exercise of the function, depending on the type of offense declared.

According to Article 4 of the aforementioned law

1. For the persons referred to in paragraph 1 of this Article, the prohibition of candidacy, election or exercise of a mandate lasts for a lifetime

Referring to the data in the self-declaration form filled out by Mr. Nezir Ferati candidate with ordinal number 17, for Kukes City Council member, for establishing the judicial status in relation to the criminal offense "Production and sale of narcotics", provided by Article 283/2 of the Criminal Code, decision no.688, dated 30.05.2007 Tirana District Court, Nezir Ferati for the commission of this criminal offense is within the period of detention for election in office, candidate for councilor of the Kukes municipal council.

For the above, since the conditions for detention have been verified before the candidacy process, referred to in Article 10, paragraph 1, letter "a" of Law 138/2015, the CEC should reject the candidacy of Mr. Nezir Ferati and ask the electoral subject to replace the candidacy within the deadline for submission of candidacies.

For the above, the Central Election Commission referred to Article 10, paragraph 1, letter "a" of Law no. 138/2015, "On guaranteeing the integrity of persons elected, appointed or exercising public functions" announces the fact that Mr. Nezir Ferati is in a state of non-election as a candidate for Kukes City Council member.

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 other persons listed on the multi-name list their data do not constitute a condition for not registering as the candidate for the council of the communes of Mat, Gramsh, Has, Këlcyrë, Kukës, Librazhd, Tropojë, Malësi e Madhe and Peqin according to law no. 138/2015. The CEC has also published the declaration forms on its official website

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.

In this case, the CEAZ should continue the procedures for the registration of the multi-name list for the councils of the Municipalities of Mat, Gramsh, Has, Këlcyrë, Kukës, Librazhd, Tropojë, Malësi e Madhe and Peqin of the Albanian Democratic Reform Party for elections to local government bodies dated 30 June 2019.

FOR THESE REASONS:

The Central Election Commission, based on Article 23, point 1, letter "a", of the law no. 10019 date

29.12.2008 "Electoral Code of the Republic of Albania", as amended; Article 10, point 1, letter "a" of Law 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 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. Nezir Ferati for Kukës Municipal Council, Reform Party Albanian Democratic Party.
2. Notification of the Albanian Democratic Reform Party to replace the candidacy within the deadline for submission of candidates.
3. Notification of the CEAZs for the continuation of procedures for the registration of the multi-name list for the municipal councils in the municipalities of Mat, Gramsh, Has, Këlcyra, Kukës, Librazhd, Tropoja, Malësi e Madhe and Peqin of the Albanian Democratic Reform Party for elections to local government bodies of 30 June 2019, according to the attached attachment.
4. This decision shall enter into force immediately.
5. An appeal may be filed against this decision within 45 days of the Administrative Court First Level Tirana.

Klement ZGURI – Chairman

Denar BIBA - Deputy Chairman

Bledar SKËNDERI- Member

Edlira JORGAQI- Member

Rezarta BITRI- Member