



**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 Christian Democratic 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 deposited with the Commission

Central Election Complaints Forms, the candidates for the Municipal Councils Mirdita, Has, Memaliaj, Libohova, Përmet, Pogradec, Kukës, Malësi e Madhe and Puka as the competent body for the administration, verification, implementation of the prohibition on election and appointment in the public function where including the mayor's office function.

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 results that none of the candidates have declared any data constituting a condition for non-registration as a candidate for the municipal council pursuant to Law no. 138/2015.

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 in the municipal councils of Mirdita, Has, Memaliaj, Libohova, Përmet, Pogradec, Kukës, Malësi e Madhe and Puka, whereupon it results :

VILSON ÇEKAJ is a candidate registered in the multi-name list of the Christian Democratic Party with ordinal number 15, Malësi e Madhe Municipality. According to the memo no.3665 prot, dated 16.05.2019 of the CEC to the General Directorate of Prisons, the Judicial Status Section, on the basis of the Judicial Statements no. v-1529/1, dated 17.05.2019, results to

be convicted by court decision no. 77 of 17 December 2009, of the Serious Crimes Court in Tirana, has been found guilty of the criminal offense provided for in Article 283/2 of the Criminal Code and Article 406 of the Criminal Procedure Code for a sentence of five (5) years 4 (four) months. Court of Appeals for Serious Crimes in Tirana with Judgment no. 16, dated 24.02.2010, has ruled the violation of the above decision and its alteration: The guilty plea of the defendant for the criminal offense provided by Article 283 / a, 22 of the Criminal Code and based on his sentence of 10 (ten) years of imprisonment. Pursuant to Article 406 of the Code of Criminal Procedure, punishable by 6 (six) years and 8 (eight) months of imprisonment.

SHUME LLUMAJ candidate registered in the multi-name list Christian Democratic Party with ordinal number 09, Malësi e Madhe Municipality. no. 3665 prot, dated 16.05.2019 of the CEC to the General Directorate of Prisons, Judicial Status Section, on the basis of Judicial Statements no. v-1529/1, dated 17.05.2019, results to be convicted by court decision no. 378, dated 02.11.2015, of the District Court of Lezha, has been found guilty of the criminal offense provided for in Article 291 of the Criminal Code and Article 406 of the Code of Criminal Procedure punishes him with four (5) months of imprisonment. Application of Article 63 of the Criminal Code where it is required to perform a public interest affair for 100 working hours. Mr. Shmajkell Llumaj for this offense has been rehabilitated under Article 69 of the Criminal Code.

GEZIM NOKA candidate registered in the multi-name list Christian Democratic Party with ordinal number 09, Kukës Municipality. According to letter no. 3665 prot, dated 16.05.2019 of the CEC to the General Directorate of Prisons, Judicial Section, on the basis of the Certificate of Court Situation no. The Court of the Kukes Judicial Council is found guilty of the offense provided for in Article 181 of the Criminal Procedure Code and pursuant to this provision of Article 406 of the Code of Criminal Procedure .Principal is sentenced to 68 000 (sixty eight thousand) fine fine. Mr. Gezim Noka for this criminal offense has been rehabilitated under Article 69 of the Criminal Code.

Based on the decision No. 237, dated 03.12.2014, the Kukes Judicial District is found guilty of the criminal offense of "Theft of electricity or telephone impulses". According to Article 137/1 of the Criminal Code and based on Article 406 of the Criminal Code, sentenced to 6 months imprisonment. Pursuant to Article 59 of the Criminal Code, the execution of the punishment of imprisonment is suspended and is put to the test for 18 months. Mr. Gezim Noka for this criminal offense has been rehabilitated under Article 69 of the Criminal Code.

FIND CEKAJ a candidate registered in the multi-name list Christian Democratic Party with ordinal number 01, Malësi e Madhe Municipality. According to letter no. 3665 prot, dated 16.05.2019 of the CEC to the General Directorate of Prisons, Judicial Status Section, on the basis of Judicial Statements no. v-1529/1, dated 17.05.2019, with the decision no.793, dated 23.10.2017 The Shkodra Judicial District Court found guilty of the criminal offense "Failure to Conduct Crime" and pursuant to Article 300/1 of the Criminal Code is sentenced to 200.000 (two hundred thousand) ALL fine.

ERMAL (MALI) ELEZAJ candidate registered in the multi-name list Christian Democratic Party with ordinal number 07, Kukës Municipality. According to letter no. 3665 prot, dated 16.05.2019 of the CEC to the General Directorate of Prisons, Judicial Status Section, on the basis of Judicial Statements no. v-1529/1, dated 17.05.2019, with Decision No. (55-2016-1241) 235, dated 14.02.2016 Court of the Kukes Judicial Council found guilty of the offense Criminal Offense "provided by Article 300 of the Criminal Code punished by a fine of 150 000 ALL. In application of Article 406 of the Code of Criminal Procedure, final penalty is fined with 100,000 (one hundred thousand) fine fine. The Court of Appeal of Shkodra, with its decision no.292, dated 19.03.2018, decided to give effect to the decision and the amendment: the guilty plea for the criminal offenses "Unauthorized possession of weapons of war" provided by Article 273/3 of the Criminal Code as amended Constitutional Court.

LANDI SHKULLAKU candidate registered in the multi-name list Christian Democratic Party with ordinal number 09, Municipality of Pogradec, According to letter no. 3757 prot, dated 07.05.2019 of the CEC to the General Directorate of Prisons, Judicial Status Section, on the basis of Judicial Statements no. v-1568/1, dated 18.05.2019, with the decision no. 644, dated 16.09.2016 of the District Court of Pogradec pleaded guilty to the criminal offense "Theft" provided by Article 134/1 of the Penal Code and is punishable by 240 000 ALL fine. Mr. Landi

The scourge for this 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, 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; 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

4. For the persons provided for in letter "a" of point 1 of article 2 of this law, the prohibition of candidacy, election or exercise of the mandate lasts for a lifetime

Referring to the data in the self-declaration form filled out by Mr. Vilson Çekaj candidate with ordinal number 15, for the member of the council of the Malësi e Madhe, the confirmation of the judicial situation regarding the criminal offense provided by article 283/2 of the Criminal Code, decision no. 77, dated 17.12.2009, of the Serious Crimes Court in Tirana, Vilson Çekaj for the commission of this criminal offense is within the period of detention for election to function, candidate for councilor of the commune of Malësi e Madhe. For the foregoing, 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. Vilson Çekaj and ask the Electorate Christian Democratic Party to replace the candidacy within the deadline for submitting candidacies. 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 a candidate for the Mirdita, Has, Memaliaj, Libohovë, Përmet, Pogradec, Kukës, Malësi e Madhe and Puka, according to law no. 138/2015. The CEC has also made the publication of the declaration forms on the 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 CEAZs should continue the procedures for the registration of the multi-name list for the councils of the Mirdita, Has, Memaliaj, Libohovë, Përmet, Pogradec, Kukës, Malësi e Madhe and Puka, of the Christian Democratic Party for local government elections of the date

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" and article 11 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".

DECIDED:

1. To refuse the candidacy of Mr. Vilson Çekaj for the council of the Malësi e Madhe, the Party Christian Democrats.
2. The announcement of the Christian Democratic Party to replace the candidacy within the deadline of foreseen for submission of candidates.
3. Notifying the respective CEAZs on the continuation of procedures for the registration of the multi-name list for the municipal councils in the municipalities of Mirdita, Has, Memaliaj, Libohova, Përmet, Pogradec, Kukës, Malësi e Madhe and Puka, of the Christian Democratic Party for bodies elections of the local government 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