



**REPUBLIC OF ALBANIA CENTRAL  
ELECTION COMMISSION**

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**DECISION**

**ON THE VERIFICATION OF THE STATEMENTS ON THE SELF-DECLARATION FORM OF THE CANDIDATES FROM THE MULTI-NAME LISTS FOR THE MUNICIPALITY COUNCILS IN ACCORDANCE TO LAW NR. 138/2015 "TO GUARANTEE THE INTEGRITY OF PERSONS ELECTED, APPOINTED OR EXERCISING PUBLIC FUNCTIONS"**

Central Election Commission in its meeting on 18.05.2019, with the participation of:

Klement	Zguri	-	Chairwoman
Denar	BIBA-		Deputy Chair
Bledar	SKËNDERI	-	Member
Edlira	JORGAQI-		Member
Rezarta	BITRI	-	Member

Reviewed the issue with:

**OBJECT:** On the verification of the statements on the self-declaration form of the candidates from the multi-name lists for the municipality councils in accordance to law nr. 138/2015 "To guarantee the integrity of persons elected, appointed or exercise public functions", for the elections to local government bodies of 30.06.2019.

**LEGAL BASIS:** Article 23, point 1, letter "a", of Law No. 10019, dated 29.12.2008 "The Electoral Code of the Republic of Albania", amended; article 5, point 4, letter "a" of law nr.138/2015, "To guarantee the integrity of persons elected, appointed or exercise public functions"; head V, of Assembly Decision nr/ 17/2016 ""For the designation of detailed rules on the implementation of prohibitions provided in law nr. 138/2015", "To guarantee the integrity of persons elected, appointed or exercise public functions"

Central Election Commission, after examining the documents presented and heard the discussions of the people present,



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## NOTES:

The Green Party, part of the coalition "Alliance for European Albania", in accordance to Article 5, point 4, letter "a" of Law no. 138/2015 "On guaranteeing the integrity of the persons elected, appointed or exercising public functions", have submitted to the Central Election Commission the self- declaration forms of the candidates for municipality councils of Kolonjë, Tropojë, Kurbin, Përmet, Maliq, Pogradec, Selenicë, Devoll, Ura Vajgurore, Malësi e Madhe, Gramsh, Librazhd dhe Prrenjas, as the competent body for administration, verification, the application of prohibition of election and appointment to the public function, including the function of the councilor of the municipality.

In accordance to law no. 138/2015 "On guaranteeing the integrity of persons elected, appointed or exercising public functions", the CEC verified the data of the self-declaration form of the candidates for municipality councils members, it results that none of them have stated any data related to the provisions to prohibition in Law No.138 / 2015, " On guaranteeing the integrity of persons elected, appointed or exercising public functions".

The Central Election Commission, in accordance to 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 state's office and judicial office through written requests and electronic mail for the candidates for members in the municipality councils who submitted the self-declaration forms to the Central Election Commission.

In response to the request, the state's office has sent to the CEC the verification of the judicial state for the candidates for members of the municipality councils of Kolonjë, Tropojë, Kurbin, Përmet, Maliq, Pogradec, Selenicë, Devoll, Ura Vajgurore, Malësi e Madhe, Gramsh, Librazhd dhe Prrenjas, according to which it results:

**FLAMUR NASUFI** a candidate listed in the multi-name list of the Green Party with ordinal number 05, Gramsh Municipality. According to memo no. 3614 prot, dated 15.05.2019 of the CEC to the General Directorate of Prisons, the Judicial Status Section, on the basis of the Trial Judgment no. v-1511/1, dated 16.05.2019, results to be convicted by court decision no. 384, dated 22.04.2014, of the District Court of Elbasan, with 8 (eight) months imprisonment based on Article 406 of the Code of Criminal Procedure, for the criminal offense "Sexual Harassment" provided by Article 108 / a / 1 of the Code criminal.

**ERJON NOKA** a candidate registered in the multi-name list of the Green Party with ordinal number 16, Kurbin Municipality has not declared any final punishment or criminal offense. According to memo no. 3614 prot, dated 15.05.2019 of the CEC to the General Directorate of Prisons, the Judicial Status Section, on the basis of the Trial Judgment no. v. 1511/1, dated 16.05.2019, with the decision no.497, dated 18.11.2014, the Court of the Lezha Judicial District found guilty of the criminal offense of "Irregular Vehicle Drive" provided by Article 291 of the Criminal Code and Article 406 of the Criminal Procedure Code is punishable by four (four) months of imprisonment. Pursuant to Article 63 of the Criminal Procedure Code, it is required to carry out a work in the public interest for 100 working hours. Mr. Erjon Noka for this criminal offense has been rehabilitated under Article 69 of the Criminal Code.

**DASHAMIR OCKA** a candidate registered in the multi-name list of the Green Party with ordinal number 07, Devoll Municipality has not declared any final punishment or criminal offense. According to memo no. 3614 prot, dated 15.05.2019 of the CEC to the General Directorate of



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Prisons, the Judicial Status Section, on the basis of the Trial Judgment no. with the decision no.114, dated 06.03.2014, the Court of the Korça Judicial District has found him guilty of the criminal offense of "Irregular Vehicle Drive" provided by Article 291 of the Criminal Code and Article 406/1 of the Code of Criminal Procedure shall be punishable by two (two) months of imprisonment. Pursuant to Article 59 of the Criminal Procedure Code, it is tested for a period of 2 (two) years. Mr. Dashmir Ocka for this offense has been rehabilitated under Article 69 of the Criminal Code.

**RRUSTEM GJONAJ** a candidate registered in the multi-name list of the Green Party with ordinal number 01, Municipality of Tropoja. According to memo no. 3614 prot, dated 15.05.2019 of the CEC to the General Directorate of Prisons, the Judicial Status Section, on the basis of the Trial Judgment no. v. 1511/1, dated 16.05.2019, by Decision No. 48, dated 26.05.2005, the Trial Judgment of the District Court Tropoja has found him guilty of the criminal offenses "Unauthorized possession of firearms" "Leaving the country serving the sentence" on the basis of Article 278/2, 323, 55 of the Criminal Code and Article 406 of the Code of Criminal Procedure shall be punishable by three (3) months and 15 (fifteen) days of imprisonment. The Shkodra Court of Appeal, with its decision No. 238, dated 23.09.2005, decided to leave the decision in force. The Supreme Court, by its Decision No. 705, dated 24.11.2006, decided to leave the decision in force. Mr. Rustem Gjonaj for this criminal offense has been rehabilitated under Article 69 of the Criminal Code.

**IMER DEMAJ** a candidate registered in the multi-name list of the Green Party with ordinal number 09, Tropoja Municipality has not declared any final punishment or criminal offense. According to memo no. 3614 prot, dated 15.05.2019 of the CEC to the General Directorate of Prisons, the Judicial Status Section, on the basis of the Trial Judgment no. The Trial Judgment of the Tropoje District Court found him guilty of the criminal offense of "Self-Destruction" provided by Article 277 of the Criminal Code and Article 406 of the Criminal Code and the Code of Penal Procedure, is sentenced to 50 000 (fifty thousand) Lek fine. Mr. Imer Demaj for this criminal offense has been rehabilitated under Article 69 of the Criminal Code.

**LIRIM MUÇO** a candidate registered in the multi-name list of the Green Party with ordinal number 01, Prrenjas Municipality has declared a sentence. According to memo no. 3614 prot, dated 15.05.2019 of the CEC to the General Directorate of Prisons, the Judicial Status Section, on the basis of the Trial Judgment no. v.11511 / 1, dated 16.05.2019, with the decision no.221, dated 13.04.2012, the Court of the Elbasan District Court found him guilty of the criminal act "Theft" committed in cooperation and pursuant to Article 134/2 of Penal Code is sentenced to six (six) months of imprisonment. The Appeal Court of Durrës with decision no.10-2014-2201 (495) dated 24.06.2014 has decided to leave the decision no. 132012 (221) of 13 April 2012 of the District Court of Elbasan with this change: Pursuant to Article 59 of the Criminal Code, the execution of a prison sentence of two (2) years is suspended. Mr. Lirim Muço for this criminal offense has been rehabilitated under Article 69 of the Criminal Code.

In reference to letter ç, item 1 of article 2, 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 commit intentionally a crime that is not included in letters "a" and "b" of this paragraph, and when they have been sentenced to not less than six months 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.



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According to article 4, point 4 of the above mentioned law

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For persons referred to in point "ç" of paragraph 1 of Article 2 of this Law, the prohibition shall continue from the moment of termination of the sentence of imprisonment, according to the final court decision, until the moment of rehabilitation under Article 69 of the Penal Code.

In reference to article 69 of the Penal Code

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Shall be deemed to be unpunished: a) those who have been sentenced to imprisonment for a period of up to six months or by any other easy punishment and who have not committed another criminal offense during the two years following the serving of the sentence; b) those who have been sentenced to imprisonment for a period of six months to five years and have not committed another criminal offense during the five years following the serving of the sentence; c) those who have been sentenced to imprisonment from five to ten years and have not committed another criminal offense during the seven years following the serving of the sentence; ç) those who have been sentenced to imprisonment for a period of ten to twenty five years and have not committed a criminal offense for ten years from the date of serving the sentence.

In reference to the data in the self-declaration form filled out by Mr. Flamur Nasufi, candidate with ordinal number 06, for member of the council of the Municipality of Gramsh, verification of the judicial status in relation to the criminal offense "Sexual harassment" provided by Article 108 / a / 1 of the Criminal Code, no. 384, dated 22.04.2014, of the Court of the Elbasan Judicial District, Flamur Nasufi for the commission of this criminal offense is within the period of detention for election in office, candidate for councilor of the Gramsh City Council.

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.

Referring to article 4, point 4 for persons referred to in letter "c" of point 1 of article 2 of this law, the prohibition of candidacy, election or exercise of the function lasts until rehabilitation, according to article 69 of the Penal Code.

Referring to date no. 384, dated 22.04.2014 of the Court of the Elbasan Judicial District, Judgment of the Judicial Status, Article 69 of the Criminal Procedure Code, Flamur Nasufi is included within the period of prohibition for running as a councilor of the municipal council.

For the foregoing, since the conditions for detention have been verified before the candidacy process, referred to in Article 10 (1), letter "a" of Law 138/2015, the CEC must reject Mrs. Flamur Nasufi and ask the electoral subject, the Green Party to replace the candidacy within the deadline for submitting the 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. Flamur Nasufi is in a state of non-election as candidate for Tropoja Council member.

The Central Election Commission, in reference to point 2, last paragraph, of Chapter V of Decision no. 17/2016 of the Assembly, ascertains that from the verification of the data only on the forms of self-declaration for the persons listed in the multi-name lists, their data do not constitute

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a condition for not being registering as candidates for the municipal councils, according to law no. 138/2015. CEC has also made the publication of self-declaration forms 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.

In this case, the CEAZs should continue the procedures for the registration of the multi-name list for the councils of the Municipality of Kolonjë, Tropoja, Kurbin, Përmet, Maliq, Pogradec, Selenica, Devoll, Ura Vajgurore, Malësia e Madhe, Gramsh, Librazhd and Prrenjas of the Green Party for elections to local government bodies of 30 June 2019.

### **FOR THE ABOVE REASONS:**

The Central Election Commission based on Article 23, paragraph 1, letter "a" of law nr. 10019 dated 29.12.2008 "The Electoral Code of the Republic of Albania", amended, article 5, point 4, letter "f", of law nr. 138/2015, "On guaranteeing the integrity of persons elected, appointed or exercising public functions"; chapter V, of decision nr. 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 Mr. Flamur Nasufi for the Gramsh municipality council, Elbasan district, from the Green Party.
2. To notify the Green Party to replace the candidacy within the deadline for submission of candidates.
3. To notify the respective CEAZs for the continuation of the procedures for the registration of the multi-name lists for the municipality councils of Kolonjë, Tropojë, Kurbin, Përmet, Maliq, Pogradec, Selenicë, Devoll, Ura Vajgurore, Malësi e Madhe, Gramsh, Librazhd and Prrenjas for the Green Party for the elections for local government bodies of 30 June 2019, according to the annex attached.
4. This decision goes effective immediately.
5. An appeal can be filed against this decision within 45 days at the Tirana First Instance Administrative Court.

<b>Klement</b>	<b>ZGURI-</b>	<b>Chairwoman</b>
<b>Denar</b>	<b>BIBA-</b>	<b>Deputy Chair</b>
<b>Bledar</b>	<b>SKËNDERI-</b>	<b>Member</b>
<b>Edlira</b>	<b>JORGAQI -</b>	<b>Member</b>
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