



**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:**

Albania's Ora Party, a member of the Coalition "Hope for Change", in accordance with article 5, item 4, letter "a" of law no. 138/2015 "On guaranteeing the integrity of the persons elected, appointed or exercising public functions", has filed in the Central Election Commission the forms of self-declaration of the candidates for the Kukes, Bulqizë, Saranda, Klos and Kurbin communes 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 results that none of the candidates have declared any data constituting a condition for non-registration as a candidate for the municipal council, according 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, verification of the judicial status for the candidates for a member in the communes of Kukës, Bulqizë, Saranda, Klos and Kurbin, according to which it results:

**XHEVDET SOPAJ** a candidate registered in the multi-name list of the Albanian Ora's Party with ordinal number 07, Kukës Municipality has declared punishment in the self-declaration form. According to the memo no. 3677 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-1517/1, dated

17.05.2019, results with Decision No. 93, dated 27.10.1998, the Kukes District Court declares guilty of the criminal offense "Unauthorized Connection to the Water Supply Network" provided by Article 159/2 of the Criminal Code and is subject to this provision for two (2) months imprisonment. Pursuant to Article 59 of the Criminal Code, suspends the execution of the decision and is put to the test for 2 (two) years on probation. Mr. Xhevdet Sopaj for this criminal offense has been rehabilitated under Article 69 of the Criminal Code.

Based on the decision no.105, dated 07.11.2012, the Kukes District Court found guilty of the criminal offenses "Unauthorized Manufacturing and Possession of Ammunition" and "Article 278/2, 278/3 of the Criminal Code and Article 406 of the Code of Criminal Procedure was sentenced to 4 months imprisonment. Pursuant to Article 59 of the Criminal Procedure Code, suspends the execution of the decision and is tested for 18 (eighteen) months on condition. Mr. Xhevdet Sopaj for this criminal offense has been rehabilitated under Article 69 of the Criminal Code.

Pursuant to the decision no.220, dated 13.07.2017, the Kukes District Court found guilty of the criminal offenses "Forging of Seals, Stamps or Forms" and pursuant to Article 190/1 of the Criminal Code and Article 406 of the Code of Criminal Procedure .Penale was sentenced to 4 months imprisonment. Pursuant to Article 63 of the Criminal Code, he suspends the execution of the imprisonment sentence and his replacement for work in the public interest.

**XHELAL HOXHA** candidate registered in the multi-name list of the Albanian Ora's Party with ordinal number 08, Municipality of Klos. According to the memo no. 3762 prot, dated 17.05.2019 of the CEC to the General Directorate of Prisons, the Judicial Status Section, on the basis of the Judicial Statements no. v-1562/1, dated 17.05.2019, results with decision no. 08, date 21.11.2007 The District Court of Debar pleads guilty to the criminal offense of "Illegal Cutting of forests "pursuant to article 205 of the Criminal Code punishes 100,000 ALL fine. Mr. Xhelal Hoxha for this criminal offense has been rehabilitated under Article 69 of the Criminal Code. According to article 4, point 9 of the above mentioned law .....

Reduction of the amount of punishment due to a shortened trial or similar proceeding that passes the punishment reduction, amnesty, depenalization, pardon, suspension of punishment, premature parole or punishment, in accordance with the law, do not affect in the application 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. Referring to Article 406 of the Code of Criminal Procedure .....

When awarding a sentence, the court decreases one third of the sentence by imprisonment or fine. Based on the decision no.220, dated 13.07.2017, the Kukes District Court, Xhevdet Sopaj has been found guilty of the criminal offense "Forging of Seals, Stamps or Forms" and based on Article 190/1 of the Criminal Code and Article 406 of the Criminal Procedure Code, sentenced to four months of imprisonment. Pursuant to Article 63 of the Criminal Code, he suspends the execution of the imprisonment sentence and his replacement for work in the public interest. According to the calculation the punishment regardless of his reduction based on Article 406 of the Code of Criminal Procedure was 6 months imprisonment.

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

According to Article 4, item 4 of the aforementioned law .....

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 Criminal Code.

Referring to Article 69 of the Criminal Code .....

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;

Referring to the data in the self-declaration form filled out by Mr. Xhevdet Sopaj is a candidate with ordinal number 07, for Kukes City Council member, for establishing the judicial status in relation to the criminal offense "Forging stamps, stamps or forms", provided by article 190/1 of the Criminal Code, no.220, dated 13.07.2017, of the Kukes Judicial District Court, Xhevdet Sopaj for the commission of this criminal offense is within the period of the detention period for election to the function, candidate for councilor of the Kukes commune council.

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. Xhevdet Sopaj and to ask the Albanian Election Party 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. Xhevdet Sopaj 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 persons listed in the multi-name list their data do not constitute a condition for not registering as a candidate for the municipal council, according to law no. 138/2015. The CEC has also made the publication of the declaration forms on the official website.

#### **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. Xhevdet Sopaj for Kukes Municipal Council, Ora Ora Party Albania.
2. Notification of the Albanian Ora Party to replace the candidacy within the deadline for submitting the candidates.
3. Notification of CEAZs no. 11, nr. 15, nr. 17, nr. 18, nr. 88 on the continuation of the procedures for the registration of the multi-name list for the municipal councils in Kukes, Bulqizë, Saranda, Klos and Kurbin municipalities of the Albanian Ora's Party for Local Government Elections 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**