



REPUBLIC OF ALBANIA CENTRAL
ELECTION COMMISSION

DECISION

ON THE VERIFICATION OF THE STATEMENTS ON THE SELF-DECLARATION FORM OF THE CANDIDATES FOR MUNICIPALITY COUNCIL FROM THE MULTI-NAME LISTS, OF THE PARTY "DEMOCHRISTIAN ALLIANCE" IN ACCORDANCE TO LAW NR. 138/2015 "TO GUARANTEE THE INTEGRITY OF PERSONS ELECTED, APPOINTED OR EXERCISING PUBLIC FUNCTIONS", FOR THE ELECTIONS TO LOCAL GOVERNMENT BODIES OF 30.06.2019

Central Election Commission in its meeting on 19.05.2019, 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 for municipality mayor from the multi-name lists, 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"



Nr. 575 of Decision

Date 19.05.2019

Time 18:00 of Decision

On the verification of the statements on the self-declaration form of the candidates for municipality council from the multi-name lists, 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.

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

NOTES:

The Demochristian Alliance Party, 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", has submitted to the Central Election Commission the self-declaration forms of the candidates for municipality council of Pukë, Libohovë, Krujë, Këlcyrë, Kurbin, Malësi e Madhe, Mat, Prrenjas, Mirditë, Klos, Përmet, Gjirokastër, Tropojë, Dibër, 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.

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

From the verification of the self-declaration form of the candidates for municipality council, for the municipality council of: Pukë, Libohovë, Krujë, Këlcyrë, Kurbin, Malësi e Madhe, Mat, Prrenjas, Mirditë, Klos, Përmet, Gjirokastër, Tropojë, Dibër, none of them has 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.

The judicial office has sent to the Central Election Commission, the verification of the judicial situation for the candidates for municipality council for the municipalities Pukë, Libohovë, Krujë, Këlcyrë, Kurbin, Malësi e Madhe, Mat, Prrenjas, Mirditë, Klos, Përmet, Gjirokastër, Tropojë, Dibër, according to which they result unpunished by Albanian courts, except the nationals below:

Municipality of Mat – Ordinal Number 5, Elton Cakoni, based on decision no. 43 Dt.26.06.07 of the District Court of Mat was found guilty of the criminal offense of Illegal Possession of Arms and pursuant to Article 278/2 of the Criminal Code with a sentence of 9 (nine) months of imprisonment. Plea for breach of public peace and based on Article 274 of the Criminal Code he was sentenced to 3 months imprisonment. Pursuant to Article 55 of the Criminal Code, and Article 406 of the Criminal Code he is sentenced to 6 (six) months of imprisonment. Pursuant to Article 59 of the Code of Criminal Procedure, the suspension of the execution of the punishment of imprisonment for 18 months on parole is ordered. (Rehabilitated under Article 69 of the Criminal Code)

Municipality of Kruja, ordinal number 17, Mr. Mondë Bami based on the decision no. 25 Dt. 17.02.2010 of the Court of the Kruja Judicial District was found guilty of the criminal offense of driving the vehicle without evidence and pursuant to Article 291 of the Code of Criminal Procedure. and Article 406 of the Criminal Code he was sentenced to 60.000.000 ALL fine (Rehabilitated under Article 69 of the Criminal Code).



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Municipality of Kruja, Nr. 17 Mr. Agim Haka pursuant to Decision No. 5 Dt. 16/01/1982 of the District Court of Kruja has been found guilty of the criminal offense of attempted murder and pursuant to Article 84 / A, 11/2, the Penal Code sentenced him for seven (7) years imprisonment. (Rehabilitated under Article 69 of the Criminal Code)

Municipality of Kruja, Nr. 19 Mr. Sali Caka based on decision no. 43 Dt. 27.02.2015 of the District Court of Kruja has been found guilty of the criminal offense of violation of industrial property rights. Pursuant to Article 149 / a / 1 of the Criminal Code and 406 of the Criminal Code, the sentence is sentenced to 6 months imprisonment. Pursuant to Article 63 of the Criminal Code, the punishment of imprisonment is replaced by 120 hours of work in the public interest. (Rehabilitated under Article 69 of the Criminal Code).

Municipality of Malësi e Madhe, Nr. 14 Mr. Fatos Hasa pursuant to decision no.131 dated 04/05/2006, the district court of Shkodra pleaded guilty to the criminal offense of Termination of Pregnancy without the consent of the woman in cooperation provided by Article 93,25 CC and is sentenced to 200000 Lek fine. The Shkodra Court of Appeal, by decision No. 252, dated 02/11/2006, decided to leave the decision in force. Rehabilitated under Article 69 of the Criminal Code.

Municipality of Tropoja, Nr. 4 Mr. Gjon Neçaj with decision No. 13 Dt 01/04/2014 Trial Judge Tropoja found guilty of the criminal offense "Vehicle driving irregularly" provided by article 291 of the Criminal Code and Article 406 of the Criminal Code punished by 3 months imprisonment. Upon application of Article 63 of the Criminal Procedure Code, it is required to carry out a job of public interest for 80 hours of work. Rehabilitated under Article 69 of the Penal Code.

Municipality of Malësi e Madhe, Nr. 8 Mr. Mirash Fusha based on Decision No. 7 dated 01.02.1999 of the district court of Shkodra was found guilty of the criminal offense of Unauthorized Armaments provided by Article 278/2 of the Code of Criminal Procedure and is sentenced to 2 months imprisonment. He is found guilty of unlawful deprivation of liberty in freedom in cooperation and under Article 110/1 and 25 of the Penal Code is sentenced to 2 months imprisonment. He is found guilty of intentional light injury and in accordance with Article 89.25 of the Code of Criminal Procedure he was sentenced with 1 month of imprisonment. Pursuant to Article 55 of the Criminal Code and Article 406 of the Criminal Code, he is sentenced with 5 months in prison.

The Appeal Court, by decision No. 21, dated 30.03.1999, decided to annul the decision of the District Court of Shkodra No. 7 dated 01.02.1999 and return the case for retrial to another court. (Rehabilitated under Article 69 of the Criminal Code)

Pursuant to decision no.21, dated 30.03.1999 of the District Court of Shkoder, was found guilty of the criminal offenses of unlawful deprivation of liberty provided for in Article 112/2 of the Criminal Code, for violation of apartment provided by Article 110/1 of the Penal Code, for illegal possession of weapons provided for by Article 89 of the Penal Code, for intentional light injury provided for in Article 89 of the Penal Code. In appliance to Article 55 of the Criminal Code and 406 of the Criminal Code, he was sentenced to 6 months in prison.

- The Central Election Commission, in reference 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 law no. 138/2015. The CEC has also published self-declaration forms on the official website.



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Municipality of Këlcyrë, no. 3, Mr.Elidon Beqiri, based on Decision No. 33, dated 30.07.2012 of the Përmet Court, was found guilty of the criminal offense of "Forgery of Election Documents and Resolutions", "Conducted in Cooperation" and sentenced to 8 months imprisonment. Pursuant to Article 59 of the Criminal Code, it is ordered the suspension of the execution of the punishment of imprisonment and its being put to the test for a period of three years. The Appellate Court of Gjirokastra with decision No. 166 of 15.11.2012 has decided: The decision to be enforced.

In reference to letter "b" of point 1 of article 2 of law no. 138/2015 "On guaranteeing the integrity of persons elected, appointed or exercising public functions", prohibition of running, election or exercise of the function shall apply to persons who committed offenses in the field of elections provided for in Clause X " affect the free elections and democratic system of elections "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 for the prohibition, candidacy, election or exercise of the function shall apply, depending on type of criminal offense declared / convicted.

In reference to article 4 above mentioned....

For the persons referred to in point (b) 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 (b) of paragraph 1 of Article 2 this law, prohibition of candidacy, election or exercise of a mandate lasts 20 years from the moment of termination of imprisonment, according to a final court decision.

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. Elidon Beqiri's candidacy.

In reference 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 reference to Law no. 138/2015 "On guaranteeing the integrity of persons elected, appointed or exercising public functions" and point 5/1, 6 of article 9 of instruction no. 2, dated 29.01.2013 "On the establishment of rules for deposition and verification of candidacy documentation and deadlines for publication of candidate lists", the CEAZ should continue the procedures for the registration of candidate for municipality council for the municipalities of Pukë, Libohovë, Krujë, Këlcyrë, Kurbin, Malësi e Madhe, Mat, Prrrenjas, Mirditë, Klos, Përmet, Gjirokastrë, Tropojë, Dibër, proposed by the party "Demochristian Alliance" 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".



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DECIDED:

1. To refuse the candidacy of Mr. Elidon Beqiri with Ordinal Number 3 for the Council of the Municipality of Këlcyra, Gjirokastra Region, the Demochristian Alliance Party.
2. The announcement of the Demochristian Alliance Party to replace the candidacy within the deadline for the submission of the candidates.
3. To notify the respective CEAZs for the continuation of the procedures for the registration of the candidates for municipality council of the municipalities of Pukë, Libohovë, Krujë, Këlcyrë, Kurbin, Malësi e Madhe, Mat, Prrenjas, Mirditë, Klos, Përmet, Gjirokastër, Tropojë, Dibër, proposed by the party "Demochristian Alliance" for the elections for local government bodies of 30 June 2019.
4. Notification of CEAZ no. 06 to continue procedures for the registration of the multi-name list for the Këlcyra Municipality Council, replacing no. 3 Mr. Elidon Beqiri.
5. This decision goes effective immediately.
6. An appeal can be filed against this decision within 45 days at the Tirana First Instance Administrative Court

Klement	ZGURI-	Chairwoman
Denar	BIBA-	Deputy Chair
Bledar	SKËNDERI-	Member
Edlira	JORGAQI -	Member
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