

**REPUBLIKA E SHQIPËRISË**

**KOMISIONI QENDROR I ZGJEDHJEVE**

**DECISION**

**FOR PENAL RECOGNITION TO PERSONS CHARGED WITH THE ADMINISTRATION OF THE VOTING AND COUNTING PROCESSING PROCEDURES WHICH HAVE BREACHED THE ELECTORAL CODE PROVISIONS FOR THE ASSEMBLY ELECTIONS JUNE 25, 2017**

The Central Election Commission in its meeting of 19.07.2016, with the participation of:

Klement ZGURI- Chairman

Denar BIBA- Vice / President

Bledar SKËNDERI- Member

Edlira JORGAQI- Member

Gezim VELESHNJA Member

Hysen OSMANAJ- Member

Vera SHTJEFNI- Member

Reviewed the issue with:

**OBJECT**: For criminal charges against persons in charge of administering the voting process and counting of votes that have violated the provisions of the Electoral Code, for Assembly elections of 25 June 2017.

**LEGAL BASIS:** Article 21, point 20, Article 23, paragraph 1, letter "a", Article 168 of Law no. 10019, dated 29.12.2008 "Electoral Code of the Republic of Albania" article 281 of the Code of Criminal Procedure, and Article 326 of the Criminal Code of the Republic of Albania.

The Central Election Commission after reviewing the submitted documentation and listening to the discussions of representatives of political parties,

**NOTES:**

The President of the Republic, pursuant to Article 92, letter "gj", and Article 93 of the Constitution of the Republic of Albania, as well as Article 9, paragraphs 1 and 2, of Law no. 10019, dated 29.12.2008 The "Electoral Code of the Republic of Albania" amended, with the decree no. 10351, dated 21.05.2017, has SET the date 25.06.2017 for the conduct of the Assembly elections.

On 25.06.2017, elections for the Albanian Parliament were held in the 12 Electoral Zones in the Republic of Albania. After the end of the voting process, the Second Level Commissions CEAZs submitted to the CEC the Summary Tables of Results of Electoral Administration Areas, Voting Scoreboard Tables Completed by Counting Teams, and other Election Documentation.

Following the CEC submission of the election documents mentioned above by the CEAZs of Tirana Electoral Zone and Berat District Electoral Zone, the CEC carried out the respective verification and with the respective decisions approved the ballot paper result for these electoral zones.

Referring to Articles 123 and 124 of the Electoral Code, the Justice and Integration Party and the Socialist Party, objected to the CEC Decision no. 522 dated 04.07.2017 of the CEC "On issuing the voting result for the Tirana electoral zone zone for the 2017 Assembly elections" by requesting the object of appeal and recounting the Revaluation of votes in some polling stations. The Democratic Party rejected the CEC decision no. 527 dated 05.07.2017 of the CEC "On Issuing the Poll Results in the Electoral Zone of Berat", seeking the object of appeal and recounting and revaluation of votes in some other voting centers.

The Justice and Integration Party and the Socialist Party after administering the film footage of the vote counting process for the whole district of Tirana districts, created the conviction that for some polling stations the number of votes did not match the result of the Counting Teams, Polling stations.

The CEC, when reviewing the appeal requests, in accordance with Article 136 and 138 of the Electoral Code administered the quality of the evidence with the election documentation elaborated by the respective election commissions, and decided to recount and re-evaluate the balloting of the voting centers according to the object of the appeal.

From the recount and re-evaluation process at CEC, a total of 68 voting centers resulted that:

A) for 9 of them the outcome of the recount was in full compliance with the result of the Article 119 of the Electoral Code by Counting Teams;

B) for 35 voting centers, the voting result changed after the revaluation of votes;

C) for 24 polling stations, the outcome of the recount was different from the result of the Article 119 of the Electoral Code by the Counting Teams.

Regarding the cases classified in the letter c above, during the recount process, it resulted that members of counting teams who counted the votes for these centers have listed the lowest score counting table for several subjects and The largest number of votes for some other subjects compared to the real number of votes that were found in the ballot box. Thus, the polling station result does not reflect the real score that voters of these centers have voiced through voting, favoring some electoral subjects. The changes found in the scoreboard are to such an extent that they do not result in the result or in the invalidity of elections in the electoral zone.

Under these conditions members of Counting Teams in CEAZ no. 26, CEAZ no.32, CEAZ no.33, CEAZ no.34, CEAZ no. 35, CEAZ no. 36, CEAZ no.38, CEAZ no. 39, CEAZ no. 43, for the above-mentioned 24 voting centers have consumed elements of the criminal offense provided by Article 326, paragraph 1 of the Criminal Code for Falsifying Electoral Material and Election Results.

FOR THESE REASONS,

The Central Election Commission, pursuant to Article 21, point 20, Article 23, paragraph 1, letter "a", Article 168 of Law no. 10019, dated 29.12.2008 "Electoral Code of the Republic of Albania" article 281 of the Code of Criminal Procedure, and Article 326 of the Criminal Code of the Republic of Albania.

Decided

1. To file criminal charges against members of the mandate of citizens, and the first counters The counting teams of CEAZ no. 26, CEAZ no.32, CEAZ no.33, CEAZ no.34, CEAZ no. 35, CEAZ no. 36, CEAZ no.38, CEAZ no. 39, CEAZ no. 43, at the Tiranë Judicial District Prosecutor's Office, as follows:

A) QV no. 1558/1, counted by Counting Team no. 1, consisting of:

  Mr. Gazmend Zela

  Mr. Ardian Xhelani

  Mr. Erjon Qehajaj

  Mr. Fatri Petku

B) QV no. 1587/1, counted by Counting Team no. 5, consisting of:

        Mr. Gani Briska

         Mr. Altin Berak

           Mr. Arbër Tola

           Mr. Romeo Lamce

C) QV no. 1608, counted by Counting Team no. 5, consisting of:

Mr. Defrim Buzhiqi

Mr. Fatmir Drita

Mr. Jetmir Rrapi

Mr. Alban Cullhaj

D) QV no. 1615/2, counted by Counting Team no. 3, consisting of:

Mr. Zamir Meta

Mr. Donald Myrto

Mr. Elton Diku

Mr. Dritan Cani

E) QV no. 1665, counted by Counting Team no. 5, consisting of:

Mr. Liman Keta

          Mr. Ilir Ago

Mr. Ylber Duka

Mr. Nazif Duni

F) QV no. 1736, counted by Counting Team no. 11, consisting of

Mr. Bledar Doni

Mrs.Viorela Manoku

Znj.Rejna Qystri

Mr. Denis Thali

G) QV no. 1775, counted by Counting Team no. 3, consisting of

Mr. Enis Caslli

Znj.Dealda Borova

Znj.Rudina Haxhillari

Mr. Estonian Mahmutaj

H) QV no. 1796/1, numbered by Numeration Group no. 5, consisting of:

         Mr. Besnik Cenko

         Mr. Naser Mulaj

         Mr. Arjan Dauti

         Mr. Helidon Ormeni

I) QV no. 1819, numbered by Numeration Group no. 6, consisting of:

Mr. Olsi Isufaj

Mr. Sotir Ristani

Mr. Alban Haxhiraj

Mr. Gert Reci

J) QV no. 1845/6, counted by Counting Team no. 02, consisting of:

 Mrs. Jeanette Canaj

  Mr. Erjon Hari

  Mr. Haki Devolli

  Mr. Tomi Deçolli

K) QV no. 1849/2, counted by Counting Team no. 06, consisting of:

  Mr. Juxhin Lamo

  Mr. Johan Sterio

  Mr. Ervis Xhemali

  Mr. Amarldo Naço

L) QV no. 1864/1, counted by Counting Team no. 04, consisting of:

  Mr. Guri Seferi

  Mr. Eduard Rexha

  Mr. Bledar Sinanaj

         Mrs. Mirela Jongari

M) QV no. 1921/1, counted by Counting Team no. 2, consisting of:

Mr. Mirand Seferi

Mr. Gazmend Mele

Mr Elort Filolli

Mr. Ervin Koci

N) QV no. 1935, QV no. 1938, QV no. 1941/1 counted by Counting Team no. 03, consisting of:

  Mrs. Anila Cibaku

  Mr. Sokol Kasmi

Mr. Arjan Kristani

  Mr. Erion Salliu

O) QV no. 1936, QV 1936/1 counted by Counting Team no. 03, consisting of:

Mrs. Anila Cibaku

Mr. Sokol Kasmi

Mr. Erion Salliu

Mr. Kliton Shatku

P) QV no. 1958/2, counted by Counting Team no. 04, consisting of:

  Mr. Gjergj Suranllino

  Mr. Fatjon Haka

  Mr. Ertugert Buneci

         Mr. Florent John

Q) QV no. 2165, QV no. 2173, QV no. 2194 counted by Counting Team no. 04 consisting of:

Mr. Arnold Karriqi

Mr. Aldo Duro

Mrs. Veli Mediola

         Mr. Rexhep Vërrija

R) QV no. 2207 counted by Counting Team no. 04, consisting of:

 Mr Bujar Menolla

  Mr. Ferdinand Sanaci

 Mr. Indrit Dedej

  Mr. Shpend Dena

S) QV no. 2241, counted by Counting Team no. 05, consisting of:

  Mr. Flamur Lika

  Mr. Fatmir Bakalli

  Mr. Ylli Thartori

Mr. Adriatik Kasa

2. This decision shall enter into force immediately.

3- An appeal may be filed against the decision of the Electoral College at the Tirana Court of Appeal within 5 days of its announcement**.**

**Klement ZGURI- Chairman**

**Denar BIBA- Vice / President**

**Bledar SKËNDERI- Member**

**Edlira JORGAQI- Member**

**Gezim VELESHNJA Member**

**Hysen OSMANAJ- Member**

**Vera SHTJEFNI- Member**