



Partia **Demokratike** e Shqipërisë

REPORT

**ON THE ANTI-CONSTITUTIONAL
VOTING FOR LOCAL AUTHORITIES
OF 30 JUNE 2019**

August 19th

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1. Executive summary

Following the vote of June 30th, Albania has dangerously shifted towards an authoritarian criminal regime as organized criminal networks have successfully penetrated simultaneously among legislative, executive and judicial bodies.

This unprecedented and extreme threat towards democratic standards, balance of powers and rule of law, finds its roots in the intimate and direct cooperation between the Albanian socialist ruling party and organized criminal networks. It is in this very specific context that the Albanian opposition has resigned from all electoral mandates and refused to serve as a façade for the voting process held on June 30th.

The election to Parliament and to local Municipalities of individuals with serious criminal records resulted in an intensification of criminal networks activity in drug cultivation and trafficking, due to the direct cooperation of the executive and the tolerance of the judicial branches, which in turn fuelled furthermore the vote-buying phenomenon by means of criminal gains and illicit drug profits.

A realistic analysis of what happened on June 30th should be paid only according to this specific criminal and authoritarian context. The case of Valdrin Pjetri, the unconstitutionality of the Electoral College, the partisan and unlawful decisions of the CEC, the massive manipulation of the ballots all around the country... June 30th was a mirror of how democratic and electoral standards in Albania have been substituted by criminal and authoritarian decisions.

1.1 The criminalization of the ruling Socialist Party officials.

The credibility & independence of the Albanian legislative branch has been seriously affected by the introduction of numerous MPs with serious criminal records.

19 socialist MPs, with serious criminal records, have successfully entered the Albanian Parliament after the legislative elections of 2013. The selection and winning position of these 19 MPs, was due to a trade-off strategy thought by the socialist leader Edi Rama, who has the exclusive right to establish Party candidates' list. PM Rama sought for their illicit profits in supporting the socialist electoral campaign, in exchange of a winning seat for Parliament. This unprecedented situation led the parliamentary opposition to

boycott throughout 2014. The boycott ended on Dec. 2014 after EU intermediation and the vote of the “Decriminalization Law” which established new criterions as of the eligibility of candidates.

The criminalization of Albanian electoral processes has spread to all levels, including the election of Mayors with serious criminal records.

Following the 2013 legislative elections precedent, the socialist ruling majority proposed numerous candidates with serious criminal records for the 2015 local elections. Among these, the elected Mayors of Kavaja and Kruja are the most symbolic ones as they have been previously sentenced for serious crimes, including drug trafficking and gang rape, while having up to 5 different identities. Following the entry into force of the “Decriminalization Law”, more than 350 Mayors, City Councillors, Appointed Senior Officials, etc. have lost their positions due to their serious criminal offences. PM Rama, has continuously refuted these allegations and has publicly supported his candidates until today. This has produced a strong sense of impunity among these individuals who have continued their criminal & party activity even after losing their elected seats. Tragically, PM Rama continued to politically invest individuals with criminal records even during the local vote of June 30th. The case of Valdrin Pjetri (the new socialist mayor of Shkodra following June 30) and his conviction for drug trafficking in Italy, reflects the deep criminalisation of Rama’s Socialist ruling majority who can’t separate itself from the criminal networks that brought him into power. The Democratic Party of Albania, believes that out of the 61 newly elected mayors that resulted from June 30th, at least 20 have a criminal past.

1.2 The SP criminalization is at the source of drug trafficking surge in Albania

Executive branch representatives have been directly cooperated with criminal networks in order to increase their personal and electoral gains.

During the first PM Rama mandate (2013 – 2017) Albania has faced an extreme surge of cannabis cultivation and heavy drug trafficking. It is believed that illicit profits from drug trafficking are worth 5 billion euros. In Italy alone, the seized cannabis in provenance from Albania amounted one year prior to the legislative elections of 2017 to 30 tons, compared to 11.3 tons in 2015 which was still a record number. This increase was due to the massive cultivation of cannabis plantations in Albania by organized criminal networks with direct support from political representatives,

including from Police Forces, in exchange for their electoral support. Based on Italian interceptions and Italian court decisions, two consecutive socialist Ministers of Interior, Tahiri (MP) and Xhafaj (MP) have resigned as a result of their direct support to family members involved in drug trafficking. These interceptions show that parts of these profits were used for vote-buying. The socialist majority refused to lift the parliamentary impunity of their former Minister of Interior Tahiri so he could be investigated without restrictions. The brother of PM Rama has also had links with an organized criminal network (German investigations) sentenced for running the biggest cocaine refinery in the Balkans. The German Bild wiretaps demonstrated in practice how these links and how drug profits were clearly fuelling vote-buying during the legislative elections of 2017 and the partial local elections of Dibra in 2016. Albeit Bild's phone interceptions reflected the magnitude of the electoral crime under Rama's rule, he nevertheless continued to deny any wrongdoing, and by granting in practice, the full impunity to any electoral offence.

The Judicial Branch has utterly failed to address the links between political representatives and organized crime networks, by being at occasions even a guarantor of these links.

No drug lord or high-level official was arrested, nor convicted, during the 1st Rama government 2013-17. The Balili case (known as Balkans' Escobar) became a symbol of this impunity as he achieved to escape for more than two years albeit an international warrant. In addition, after the legislative elections of 2017, the socialist ruling majority unconstitutionally nominated a Temporary General Prosecutor (TGP) who reshuffled, unlawfully, the organization of the Prosecution Office. The TGP reshuffle targeted particularly those prosecutors who were dealing with investigations relating to representatives of the ruling majority and vote buying. Using the Justice Reform framework (more specifically the vetting process), the socialist criminalized ruling majority influenced the nomination of key individuals into the new justice institutions, by supporting individuals who had links with organized crime and with socialist representatives, were former communist prosecutors and members of 'Sigurimi', or were accused for corruption and unjustifiable sentences. In parallel to this, the Constitutional Court and the Supreme Appeal Court have ceased functioning for close to two years now, because of the unwillingness of the socialist ruling majority to adequately support the justice reform transformational process. The paralysis of the Constitutional Court has made impossible for the Albanian opposition to legally raise the challenges and threats posed to the balance of powers and rule of law in the

context of the criminalized government and vote-buying phenomenon in Albania, including, to challenge the unconstitutional decisions relating to the vote of June 30th. As the President of the Republic decided to postpone the local elections to October 13th, only this Court could have given a democratic, lawful and constitutional decision. It should be noted also that the members of the Electoral College had not yet passed the vetting process when they accepted to assess the constitutionality of the President decree. The same can be said as of the decision of the Court of Durres to assess for two consecutive times the mandate of the new mayor, albeit this being in clear violation of the Constitution.

1.3 Drug trafficking fuelled the vote buying phenomenon through criminal gains.

The Albanian opposition has constantly proven the links between the increased criminal activity in the country and their noxious influence on electoral processes.

Albanian investigative journalists referred a massive example of vote-buying during the partial local elections held in the city of Korça after the legislative elections of 2013. Albeit the existence of a prosecution request on this case, the ruling socialist majority voted in parliament to amnesty all individuals involved in this electoral crime. Following this precedent, hundreds of factualized cases of vote-buying, vote-intimidation and vote-influence were reported during the following 2015 local elections. The same phenomenon was reported during the partial local elections held in 2016 in the city of Dibra. In all occasions, criminal gangs appear to have campaigned hand to hand with senior socialist representatives: use of large amounts of cash; use of weapons to threaten voters; use of state privileges to protect felons etc. A former Minister of Justice was sacked by PM Rama after publicly denouncing the political power and impunity criminals networks were benefiting under Rama's ruling, let them be in terms of drug trafficking or vote-buying. As of today, not a single party official or renowned criminal has been arrested relating to these accusations.

The recent phone wiretapping cases certify, for umpteenth occasion, that no free electoral processes can be organized under the current socialist criminalized majority.

BILD, Voice of America and BIRN made an independent journalistic investigation that brought into light the existence of the “Prosecution file 339”. The file relates to more than a dozen of CDs containing thousands of intercepted phone calls between the Avdyli gang and the socialist Mayor of Durres, Ministers, MPs, and other socialist senior officials. The Avdyli gang was under surveillance upon the request of German authorities, relating to heavy drug trafficking, and were finally arrested based on the identified evidences. During the phone interceptions, it appears that the Avdyli gang has directly supported socialist officials into buying votes on their behalf during the 2017 legislative elections in exchange of public tenders, impunity and political support in their criminal activity. In this context, it shall be reminded that during the week preceding the 2017 legislative elections, and solely during that week, the euro/lek exchange in Albania felt at a record level, in unprecedented and unexplained manner. A second similar case, “Prosecution file 184”, proves that the vote-buying phenomenon in cooperation with organized criminal networks, has been similarly widely practiced in the region of Dibra during the partial local elections of 2016. A more recent file, relates to former Minister of interior Xhafaj and to phone interceptions of Senior Police Commander, Socialist MPs and Prosecutors, who have been paying in cash or influencing criminals to falsify their testimonials in order to defend Xhafaj’s convicted brother.

Taking into account all elements presented above, the socialist majority appear to have granted “a judicial impunity status” to organized criminal networks in their illicit activities, in exchange of their electoral support. In the context of the categorical refusal of the majority to adequately address this extremely serious concern for the quality of Albanian democracy, electoral processes and rule of law, the opposition’s decision was to withdraw from any parliamentary activity, including the resignation from their mandates and non-participation in the elections of June 30th.

2. Pre-election process: the administrative handling of the June 30th vote was unilateral and against Albanian electoral code or international best practices.

Following the 2017 parliamentary elections, the Assembly established an ad hoc parliamentary committee on electoral reform upon request of the opposition. The committee identified a number of serious problems in the election process and infrastructure whose failure to address in time, undermined the election process and standards. Some of the key problems were:

1. The expiry of some 1.4 million ID cards in the period between January and June 2019. The biometric ID card is one of the two voter identification documents alongside the biometric passport and the most widely used. The process of massive replacement did not require legislative amendments but only a large deployment of infrastructure and technology, financial means and an effective information campaign, as well as a scheme of subsidies for persons in economic difficulty. As such it required only government commitment and action.
2. The system of National Civil Registry (NCR) from which the voter list is extracted was in serious deficiencies. The national database of the NCR was not maintained and serviced for over one year, questioning the standard and the quality of voters' data. More importantly, the Government had failed to implement an address system that would allow for correct allocation of voters to the correct polling stations, the old ten-digit code established in 2004 is outdated and does not reflect the addresses of voters. As a result, some 270,000 voters did not have a legally correct address, the implementation of such address system and the maintenance of the NCR database did not require legislative changes and were sole responsibility of the Government.
3. The 2017 Final ODIHR Report set as the vote-buying as the second most concerning problem of elections in Albania. Following a 2017 opposition-backed amendment to the Criminal Code, the vote-buying, which restricts the freedom of voter, is criminally punishable as a serious corruption crime. Wiretaps of the Serious Crime Prosecution on two cases, published by Voice of America and the

German newspaper Bild in late 2018 and 2019, proved the existence of an organized and detailed mechanism controlled by the PM, ministers, MPs and other high ranking government, police and Socialist Party (SP) officials. These publications fully supported opposition claims and OSCE/ODIHR remarks on the large scale of the vote-buying problem. There is no need to introduce additional legislation to fight this serious criminal form of political corruption. However, the Office of the Prosecutor did not initiate any investigation triggering impunity for election fraud and undermining the public confidence in the election process. No other combined efforts from government law enforcement agencies were undertaken prior to the start of the election process in 2019.

4. Other priority recommendations underlined as a serious violation of international standards such as freedom and secrecy of the vote, freedom to vote without fear of retribution (priority recommendations 3 and 8, 2017) as well as the separation of state from political parties (priority recommendation no.3, 2017), in the form of pressure on voters, pressure on public administration employees to attend campaign events and/or engage in political campaign or vote in favour of incumbent parties, abuse with state resources, all failed to be addressed. The Electoral Code, the Criminal Code as well as other legislation provided sufficient legal ground to combat such phenomena. However, despite being a government responsibility, no effort was undertaken to combat and curb them, while mounting pressure on voters and abuse of state resources were evidenced already in late 2018 and in the months preceding the voting date.

The opposition denounced such intentional failure to address key problems of the election process which undermined international and constitutional standards for elections. Despite its commitment, the ruling majority botched any effort for an effective electoral reform in late 2018. No measures were taken to address the above problems despite public calls by the opposition until February 2019 when the opposition parties were forced to relinquish their parliamentary mandates. The opposition protest demanding elections in compliance with democratic standards did not stop the government from preparing an election process in full violation of the Electoral Code, which forced the parliamentary opposition parties to not register with the CEC for the local elections initially scheduled on 30th June 2019.

In addition, this pre-electoral process was developing at a time when Albania was without a Constitutional Court, without a Supreme Court and in the light of complete impunity for all those exposed in the 2015 and 2017 election criminal vote-buying and

vote-controlling schemes due to the failure of the government-controlled Office of the Prosecutor. Preparatory measures undertaken by the government and its controlled bodies in this pre-election process demonstrated the political abuse of the process as well as its unlawfulness.

On June 10th, the Albanian President Ilir Meta cancelled the decree setting the date for local elections on 30th June¹ after months of anti-government protests calling for socialist Prime Minister Edi Rama to stand down following the electoral fraud and collusion with criminals. The President argued that the lack of choice for voters, harmed the Constitutional principle of “pluralism” as well as that the controversial election process was becoming a divisive issue for the people and detrimental to the European integration of Albania. The President called a round of consultations for finding a solution and setting a new date, which was ignored and publicly attacked by the Prime Minister.

Four CEC members all of them controlled by the SP, in breach of the Constitution, decided to vote against the decree of the President, calling it a mere administrative act, although according to the Constitution, only the Constitutional Court may review the decree of the President and until it so does, the decree is in force.

On June 18th declaration, the CEC further called on the local authorities to consider the Presidents’ decree null and void, which is a violation of the law because the CEC has no powers do decide on the constitutionality of the decree².

On June 27th and amidst a deepening crisis, Albanian President Ilir Meta issued a new decree setting the local election date on October 13th 2019. In a meeting on the same day, the CEC president Zguri urged the four CEC SP-controlled members to accept the decree of the president bearing in mind that it was officially published by the Ministry of Justice in the Official Journal. The four SP-controlled CEC members deliberated to review it at a later time, given that the “decree is null and void”³ as stated by CEC member Biba.

¹ <http://president.al/presidenti-meta-dekretion-shfuqizimin-e-dekretit-nr-10928-date-05-11-2018-te-presidentit-te-republikes-per-aktimin-e-dates-se-zgjedhjeve-per-organet-e-qeverisjes-vendore-arsyet-e-s/>

² <http://cec.org.al/cec-statement-on-actions-of-some-municipality-mayors/?lang=en>

³ <https://opinion.al/data-e-re-e-zgjedhjeve-diskutohet-ne-kqz-zguri-te-pranojme-dekretin/>

Albanian Electoral Code does not foresee elections with one candidate, which means that elections with one candidate are null and void. It stipulates that the winning candidate is the one receiving the largest number of votes (First-Past-The-Post system).

The whole process is being managed only by one party: i.e. the Socialist Party that is taking part as a subject in this election is the only party that administers the whole process, the pre-voting, voting, and the counting one.

2.1 Election administration

Political capture of membership and decision-making of Central Electoral Commission (CEC)

The Electoral Code stipulates a CEC membership formula according to which, three members are proposed by the ruling majority and three by the parliamentary opposition. The major party in government and the major party in opposition can propose only two members respectively, while other members are proposed by other parliamentary parties on either side. The CEC Chairperson is elected by the Parliament with a non-partisan formula. This formula does not allow for one side to have full and effective control of the CEC decision making that requires four votes. The restriction of the membership proposed by the two major parties to only two members each, further strengthens the mechanism that avoids a winner-takes-all system. In addition, a set of important decisions requires five votes, which entails compromise with the opposition-proposed members on important decision-making. The law provides for the unchallenged right of two members to request the opening of election material boxes and recount of ballots, which cannot be ruled down by a majority vote. This was introduced as a safeguard for the opposition in the appeals process.⁴

At present, the CEC decision-making majority is entirely in the hands of one party, the Socialist Party (SP), which has four⁵ out of the current five members in the commission

⁴ This safeguard measure was introduced upon request of the Socialist Party when it was in opposition, during the 2012 electoral reform.

⁵ Mr, Denar Biba, current deputy chairman of the CEC appears formally as a Republican Party-proposed member. This is due to the implementation of the 18 May 2017 political agreement. Before that agreement, he was elected CEC chairman with SP support, had served as SP-proposed member before 2013 general elections when he resigned upon political orders of the SP leader as well as headed the

(out of seven of the full membership). The Electoral Code, Article 14 clearly stipulates that the main ruling majority party (SP) should have only two members. The current CEC formula which, together with the decision-making mechanism, provides for political check-and balance between the ruling majority and opposition, has collapsed entirely, disrupting the political balance and functioning of the CEC, due to a wrong implementation by the Parliament of the partial rotation required by the Electoral Code. This has enabled the Socialist Party to illegally control most of the CEC decision-making on its own by having four instead of only two members as stipulated in the law.

The electoral law establishes a similar political balancing system in the middle- and lower-level commissions as well as counting teams. In half of the middle- and lower-level commissions the decision-making majority is controlled by the parliamentary ruling majority and in the other half, by the parliamentary opposition. The formula provides the right to nominate members to the two major parliamentary parties in either side. The four-member counting team membership is divided in half with two member each side. This legal right is linked to the parliamentary status and not to the status of electoral subjects. Observer rights granted to electoral subjects increases further the access to the process. Observers in the counting process have the legal right to challenge the count for every ballot, hence increasing the importance.

The SP-controlled majority in the CEC decided to refuse to the two major opposition parties the right to propose members to the middle- and lower level commissions. The CEC decision was against the Electoral Code and a normative act approved in February 2019 by the CEC with qualified majority. With that normative act, the CEC, in accordance with the Electoral Code, decided that the Democratic Party shall have two members, either Chairperson or Secretary of all second-level and third-level election administration commissions. However, on 23 May 2019, the CEC, in violation of the Electoral Code and the sub-legal act which is still in force, decided not to accept DP and SMI members in the election commissions, although the DP and SMI proposals were submitted within the legal deadline set by the normative act. The decision to reject the opposition's request was adopted by four votes only and without changing the February's normative act. This constitutes an unprecedented violation of the Electoral Code decision-making mechanism, which abolishes *de facto* the guarantees provided by

most important executive public procurement agency under SP-government. Other three members have been proposed directly by the SP party in violation of the two-member rule.

the qualified majority. It also runs counter to the past inclusive practice of the CEC⁶. The control by the SP of the CEC and of all middle-, lower-level election commissions and counting teams violates the Electoral Code and hands over management of elections entirely to the Government rendering it completely untrustworthy.

This full control of all election commissions by one party was last seen in the controversial 2001 general elections when the SP-led ruling majority controlled 5 out of 7 members of all commissions. This basic unlawfulness of any CEC decision makes all CEC preparatory acts legally invalid and consequentially renders the entire electoral process illegal.

The Electoral College is being blackmailed by the Government by misusing the vetting process as a blackmail tool. The Coalition for Reforms, Integration and Consolidated Institution (KRIIK) also found that the CEC is in clear violation of the law in this respect⁷.

Lack of opposition commissioners in the counting stations

According to the law, the counting station members are to be distributed among the SP, DP and LSI. The CEC decided with a 4:1 vote that the opposition representatives be replaced by non-partisan counters in violation with the law. The Electoral Code does not allow for members of counting teams outside of parliamentary parties and in case of failure from parties of one side of the 2:2 balance, the law allows for the count to proceed with only two members. The SP needed such composition in order to compensate for the full control of the election administration from the CEC to the counting and tabulation. These non-partisan counting team members were *de facto* proposed by the SP., in a non-transparent and illegal manner, making Socialist representatives the majority also in the counting stations⁸. This normative act⁹ was

⁶ In 2001 general elections, the SP refused to nominate middle-level commissions following its political decision. The CEC implemented its right to replace the vacancies with non-partisan commissioners, in the first implementation of the provision introduced in 2012 reform. However, the SP decided to nominate its CEAZ commissioners long after the deadline. The CEC, in order to guarantee the balance established by the law and inclusivity, replaced the non-partisan members with SP-proposed members.

⁷ See enclosed for attachment 1: KRIIK declaration

⁸ <https://boldnews.al/2019/06/26/votimet-e-rames-kqz-cakton-numeruesit-ps-zgjedh-edhe-emrat-nga-shoqeria-civile/>

⁹ Decision no. 865, date 25.06.2019 "On the establishment of ballot counting teams for the local elections of 30 June 2019".

passed with only four votes, while a normative act of the CEC can be adopted with no less than five votes.

2.2 Impact of violation balance of election administration composition

This system of balancing the membership, checks and balances in the decision-making, access to election material and count, are vital to the transparency, inclusion and credibility of the process. Membership in the polling station commissions, CEAZs and counting teams provides the members appointed with parties with valuable information on the process as well as with the copies of various key protocols, which are fundamental in the credibility of the voting, counting, and especially as evidence in the appeals process. Failure or violation of this system and of the rights of its actors, coupled with the failure of the CEC balancing formula and the pressure on the Electoral College (see below) undermines and harms the entire system of administration and decision-making as well as of the appeal guarantees which is the backbone of the election process. The collapse of this system undermines the credibility of the election process and results.

Government control over Electoral College

The Electoral College of the Tirana Court of Appeals is the only judicial body to review electoral complaints against illegal CEC decisions. Pressure including blackmailing the judges with the vetting process have proven productive for the majority. The rejection of the complaint against the illegal registration by CEC of the newly created party Democratic Conviction on the very last day of the registration deadline, showed that the College is ready to render decisions at the service of the Government¹⁰. The Electoral College decided not to accept the request, claiming that the claimant had no legitimate interest, despite the fact that the claimant is a party which is registered as an electoral subject. Illegal registration of electoral subjects violates the electoral contest and results of other competing subjects, allowing unlawful subjects to receive votes that would otherwise be received by legally registered subjects. Such illegality, when it affects the election results, would lead to the invalidation of the elections, as stipulated in Article 160, point 1, letter "a" of the Code.

¹⁰ In CEC decision 241 dated 19.04.2013 and CEC decision 158 dated 16.04.2015, the College considered the similar complaint legitimate.

The rejection by the Electoral College of the appeal to the illegal registration by the CEC of the “Democratic Conviction”, without examining the merits of the case is unprecedented. It is the first time that the Electoral College decided that an electoral subject cannot appeal the CEC decision related to another electoral subject, despite having decided in a different way before (in 2017, the College accepted the legitimacy of an analogous complaint).

It should be noted that the members of the Electoral College have not yet passed in their entirety the vetting process. This fact has increased considerably their vulnerability towards the potential influence of the executive branch in relation to their vetting process. The case of judge Artur Malaj, a member of the Electoral College, can serve as an example of this influence. Indeed, Malaj was the first ever judge whose vetting process was appealed by the expert of the International Monitoring Operation even before the publication of the final vetting results : it appeared indeed that Malaj had benefited from an unjustifiable “clemency” of the Vetting Commission.

Use of police force to administer the elections

Following the decree of the President of the Republic, half of the municipalities have officially requested from the CEC to free all venues under their property which were made available to be used in the election process. On the other hand, state police carried out the illegal order by the CEC and has taken under its protection the municipality-owned venues of election administration commissions, by using tear gas and violence against employees of the local authorities protesting against the illegal seizure of local government properties. The venues of election administration commissions were administered and guarded by state police and other unauthorized persons, often persons with criminal records, in clear violation of the law.

Illegal change of voting stations premises from public to private

The CEC decisions nr.832, nr.847, nr.899, nr.903 and nr.919 were taken in the last days prior to June 30th to change voting stations venues from public to private, beyond the legal deadline and without notification to the voters, which is in violations with the Electoral Code articles 62, 93 and 94. Often, polling stations were located in completely

unsecure, open environments or abandoned venues, in violation of standards set by law and normative acts^{11 & 12}.

Use of illegal measures to create the false impression of alternative candidates

When the opposition decided not to register for the elections, the Government engaged openly in the creation of new political parties to secure a façade for the elections. Despite this, today the lack of competition is a fact, because in the majority of the municipalities (31 out of 61 in total), the candidate from the Socialist Party had no contestant. Running a single candidate is against the Electoral Code Article 166, which stipulates that the winner will be declared the candidate who wins the most votes. In the other 22 municipalities, the alternative candidate comes from the illegally registered Democratic Conviction party.

The illegal registration in Court of the "Democratic Conviction" party.

There is clear evidence on the legal violations regarding its registration as a party and of its candidates¹³. On April 21st, a former DP exponent, , announced that he was setting up a new political party, which in two days gathered over 3000 citizens' signatures and filed the documentation for registration on the day of the registration deadline of political parties with the CEC, on April 23rd. The court decided in favour of the registration of this party on 25th of April in an unprecedented and expedited act. Hundreds of citizens have appealed the illegal use of their names and signatures in court¹⁴. In other cases, signatories were not even physically in Albania at the time¹⁵. Further, there are cases when official examinations have proven that their signatures were forged¹⁶.

¹¹ <https://www.facebook.com/partidemokratike/videos/391163121749650/>

¹² <https://www.facebook.com/SaliBerisha/videos/328642471398105/>

¹³ This fact was independently determined by the non-governmental organizations which monitor the electoral process in Albania. See the public statements of the organization "Coalition for Reform, Integration and Consolidated Institutions - KRIIK" of May 6, 2019 and May 17, 2019

¹⁴ See Attachment 4 Appeals against illegal registration

¹⁵ <https://dosja.al/bindja-demokratike-qytetaret-nxjerrin-zbuluar-patozin-na-falsifikoi-firmat-per-te-regjistruar-partine/>

¹⁶ See Attachment 3 Examination of Forged Signatures

Unlawful registration by the CEC of the Democratic Conviction (DC)

Although the legal deadline for election registration with the CEC for the local elections was 23rd of April, the CEC accepted a party whose registration in court was decided in first instance on 25th of April but was not final until appeals were examined by the Court of Appeals. Legally, DC could not be considered a party until the first instance court decision for the party's registration had not become final yet¹⁷. The CEC was in breach of Electoral Code Article 64/1¹⁸ when accepted to register DC as a party, before the court sentence was given. This CEC decision was also in breach with two other previous CEC decisions¹⁹, where the CEC maintained that if the decision to register has not become final, a political party shall be considered legally non-existent and cannot be registered as an electoral subject.

2.3 Registration of candidates

Falsification of official data for registration of Democratic Conviction candidates

According to the Electoral Code, in order for a candidate of a political party to be registered, either the party should have a seat in Parliament for the last 6 months, or it must be supported by not less than 1% of the voters in the local municipality. To avoid the legal criteria to collect 1% of voters' signatures in each municipality, Socialist majority in Parliament falsified official data by submitting to the CEC an untruthful certificate on behalf of this subject stating that it had at least one MP for at least the last six months prior to registration as an electoral subject. This political party which filed for court registration on April 25th, did not have any seats in Parliament prior to that date. The CEC violated the law when it accepted the support of two MPs for the registration of candidates:

¹⁷ See Attachment 2 Court Decision Not Final

¹⁸ Article 64/1 "Any political subject needs to present its request for registration not later than 70 days before elections day."

¹⁹ CEC decision nr.241 dated 19.04.2013 on the Registration of the electoral subject "Civic Party of Albania", and CEC decision nr.158 dated 16.04.2015 on the registration of the electoral subject "Shkodra 2015 Party".

1. MP Andi Përmeti was sworn in as a new MP on April 25th, also the registration date for the new party, violating Article 68/3²⁰.
2. MP Lefter Koka gave his support in writing but only after the DC party was registered by the CEC. Mr Koka was until February an MP for the opposition Socialist Movement for Integration which withdrew from parliament. Therefore he could not fulfil the criteria of six months at the time of lending his support.

Although this fact was underlined in a public CEC meeting by the CEC Chairman, the 4 Socialist members in the CEC voted for the registration of the candidates of this Party without the legally required support, in blatant and unprecedented violation of the law, which de facto set a precedent to ignore a key requirement for registration of candidates.

Keeping resigned candidates on the ballot despite of their withdrawal

Following the illegalities of the DC party registration, some of the candidates from that party submitted their resignation from the candidacy. The consent of the candidate to run for a party is a mandatory legal criterion for registration of candidates and participation in the elections. Contrary to previous practice (Ex. Case of Kurbin Mayor on 2015), the CEC rejected their resignations²¹, leaving resigned candidates' names in the race although they have declared not to be running anymore, which was the case for the candidate Salvador Kaçaj²² of Lezha municipality and Bledar Sinella²³ of Kavaja municipality. The request from another candidate, Ylber Gjata²⁴ of the municipality of Kamëz was ignored and was not examined at all by the CEC.

In addition, both the CEC and the Electoral College, in a politically influenced process, have rejected the request from an electoral subject, the Party for National Unity to deregister following the decree of the President to cancel 30 June as an election date. The appealing party was forced by the CEC and the court to remain in the race, despite the participation in elections is only a constitutional right. In their decisions, both bodies ruled against claiming the invalidity of the presidential decree, despite it can be reviewed only by the Constitutional Court. This case is widely viewed as construed

²⁰Article 68/3 "The mandate of the supporting MP should be at least 6 months valid".

²¹CEC decision nr.638 dated 22.06.2019.

²²<http://www.oranews.tv/article/salvador-kacaj-dorehiqet-nga-gara-zgjedhore-fill-pas-regjistrimit-ne-kqz>

²³<http://abcnews.al/terhiqet-kandidati-i-bindjes-demokratike-per-bashkine-kavaje-bledar-sinella/>

²⁴<http://www.oranews.tv/article/bindja-mbetet-pa-kandidat-ne-kamez-dorehiqet-ylber-gjeta-jam-semure>

specifically to provide for a court decision against the decree of the President. It has marked a clear case of judicial forum-shopping by the Prime Minister.

2.4. Voter register

Expiration of voters' identification documents (identity cards)

About 1.4 million cards expire in the period between January to June 2019. The government has not developed any plan of measures to provide citizens with valid cards on time. Also, the government did not foresee subsidy schemes for the population strata in need while the ID price increased, creating a potential for buying poor voters by giving them free vouchers for the ID cards. Postponing the card validity expiration date through a decision of the council of ministers but without changing the card expiration date itself, opens up massive opportunities for forgery of cards and creates massive opportunities for obstructing voters by using, through pressure and/or payment, their expired cards, which they will not need to use again because they have already expired.

Manipulation and illicit processing of voters' lists

Official auditing carried out by independent CEC experts has proven that the 2019 election lists are not produced from this Registry but are extracted from it and processed and developed in another, easily manipulated external system. One evidence of manipulation is the elimination of 270,000 records of "999" voters, a code which corresponds to a voter with an unknown address. The elimination of such records was carried out upon a verbal order of the Minister of Interior in blatant violation of the Electoral Code (Article 50). Such a procedure requires legal basis and door-to-door verification for each case.

Lack of an address system

The lists are only valid when the voters are registered where they actually live (Article 44 and Article 46 of the Electoral Code.) In Tirana, the Albanian Helsinki Committee

found that local authorities had not notified the voters about their voting station as stated on the law²⁵. The address registration system should be legal, transparent, trustworthy and must provide full, equal access to both the government and opposition.

²⁵<https://www.ahc.org.al/njoftim-per-shtyp-10/>

3. The electoral campaign preceding the June 30th vote did not meet any standards of a pluralistic and free democratic society.

A severe violation of the European Convention on Human Rights.

Can voting of unopposed candidates be considered as democratic? According to the European Court on Human Rights (ECtHR) the answer is no. In 31 municipalities out of 61, there were only one candidate running for the mayoral position during the local Albanian's voting of June 30, 2019.

For the ECtHR the voting process with only one candidate can't be considered as elections, and violates substantially the right to vote, as guaranteed by Article 3, Protocol 1 of European Convention on Human Rights.

The European Convention on Human Rights (here) provides that "the High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people...". Based on this provision, the ECtHR has stated as follows:

- A voting process with only one candidate violates the substantive right to vote²⁶.
- The right to choose an alternative, is what makes a political democracy effective²⁷ ;
- The right to vote doesn't have only a procedural character²⁸.

Only one candidate was running for the mayor position in 31 municipalities out of 61. This means that every citizen of these 31 municipalities was imposed one sole choice: the candidate nominated by the Socialist Party, which effectively leads to a mere appointment of the mayor. The only choice that voters had was whether to vote or not, which. As Venice Commission considers in the Code of Good Practice in Electoral Matters, nonparticipation could also be considered a political choice. Therefore the voting process infringed the secrecy of vote. In addition, all local councils would be dominated by one political force, de facto nullifying the separation and checks and

²⁶ <http://hudoc.echr.coe.int/eng?i=001-158149>

²⁷ [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-57536%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-57536%22]})

²⁸ https://www.echr.coe.int/Documents/Guide_Art_3_Protocol_1_ENG.pdf

balance of powers between the elected representative and executive organs as stipulated by the Constitution. This is a severe infringement of local democracy and subsidiarity principles.

Numerous ECHR decisions have condemned CoE State Members for organizing unopposed candidate elections like Albania did on June 30: Bulgaria (2010), Latvia (2007) and Belgium (1981).

It's evident, that based on the jurisprudence of the ECtHR rulings, the Albanian Government violated the very essential citizens' right to elect its representatives.

Political protection and impunity for those exposed in the electoral fraud and collusion with criminals in the 2015 and 2017 elections

There are currently no records of convictions for election fraud, while case files 184/2016 and 339/1/2017 prove that the deliberate failure to investigate electoral crimes has created a public perception of impunity²⁹ for these crimes. Prime Minister Edi Rama and the Socialist Party have never publically condemned or called for the investigation of these criminal activities. On the contrary, they have publicly protected all political representatives who were exposed cooperating with organized crime for vote-buying in the 2015 and 2017 elections, as they are either running the main SP campaign (the case of Gjikhuri³⁰ and Dako) or they are running as mayoral candidates (as in the case of Pjerin Ndreu, Agron Malaj, Valbona Sako and Dionis Imeraj³¹)

Running candidates with criminal records and associated with organized crime

The Socialist Party ran candidates with criminal records and associated with organized crime even in these local elections. There are 5 socialist mayoral candidates directly intercepted in the two criminal investigations no.184 and 339/1, including Pjerin Ndreu

²⁹ Vote-selling constitutes a serious crime (corruption) since 2017. In addition, in accordance with the Decriminalization Law, convictions for this offense and other electoral crimes shall constitute grounds for prohibition from public functions for 20 years after conviction. This proves the purpose of the law, however the impunity has made the Criminal Code and the Decriminalization Law *de facto* invalid.

³⁰ <http://ata.gov.al/2019/05/07/nis-punen-komisioni-i-reformes-zgiedhore-gjikhuri-brenda-majit-adresoime-rekomandimet-kryesore-te-osbe-odihr-it/>

³¹ <http://cec.org.al/njoftimi-i-mbledhjes-33/>

(Lezha municipality), Valdrin Pjetri (Shkodra municipality) Valbona Sako (Durrës municipality), Agron Malaj (Mat municipality), Dionis Imeraj (Dibra municipality), Elton Arbana (Shijak municipality). Further, the CEC and the Office of the General Prosecutor, despite a March memorandum of understanding with which committed to verify candidates, did not make the necessary verifications to rule them out, and has further delayed the verification for the incumbent Socialist mayors with criminal records Artur Bushi of Kruja, and Tërmet Peci of Tepelena. As of the end of August 2019, the Democratic Party of Albania believes that there are at least 20 out of 61 new socialist mayors with criminal records following the vote of June 30th.

Valdrin Pjetri (Shkodra) Case

Valdrin Pjetri, a former General Director of Immoveable Property Registration Office was presented by the SP as the candidate for Shkodra. He ran unopposed and on 30 June only 6% of voters voted for him. Pjetri had presented the decriminalization form to the CEC, however the CEC and the Office of the General Prosecutor, failed to investigate, despite a March 2019 MoU on the matter and the opposition claims that Pjetri had previous criminal convictions in Italy. Both the SP and its candidate rejected such claims. In July, the DP presented facts that Pjetri had been convicted in Italy for with 18 months jail sentence for drug trafficking and as a consequence, had been expelled from Italy. Such conviction leads to life ban from running for public office, based on the Decriminalization Law. The Office of the General Prosecutor did not act promptly on such claims until the DP made an official request for investigation. Despite such substantiated claims and favored by the slow action by the Office of the General Prosecutor, the SP is trying to constitute Valdrin Pjetri in office in order to seize the power. However, the Decriminalization Law has introduced the concept of ban from running in addition to the ban from election. This makes null and void the registration of Valdrin Pjetri by the CEC from the beginning. As a result, the CEC organized voting process in Shkodra did not have any candidate running.

Political use of State Police

There was a widespread presence of police forces and special forces countrywide. The State Police officially manipulated the facts in support of government propaganda. This

was the case of the alleged “wounded police officers” in Dibër on the night of June 28th, which resulted as mere fabrication based on reports from the regional hospital there³².

Use of Special Operational Forces (RENEA and FNSH)

Contrary to their functional duties as foreseen in the Law for State Police nr.108/2014 and CEC decision nr.176 dated 19.03.2013, the special forces from State Police and the Armed Forces are deployed in the municipalities of Lezha, Dibra and Shkodra to supervise the voting process. These troops can only be deployed by the order of the General Director of the Police after a CEC request, which is not the case.

Riot Police Units (FNSH) from Shkoder have been deployed in the municipality of Kamëz in violation with the law which states that on election day, all armed forces in uniform should stay within their administrative boundaries.

Based on 2002-2003 electoral reform, following the large problems the police forces created in 2001 general elections, the presence of the police force on election day in the territory has been legally restricted and heavily regulated, in order to avoid the intimidatory impact it has on voters as well as illegal biased acts committed by police officers in favour of incumbent political forces.

There were numerous indications and field reports that SP militants were dressed as police officers on election day.

Near every KZAZ there were police officers patrolling in civilian clothing. This is illegal as the law requires that only police officers in uniform can participate in the election process.

Incident near KZAZ nr.6 in Vau Dejës

On June 27th, an incident took place near the KZAZ nr.6 in Vau Dejës. All facts point to a provocation by the SP and the SD-aligned MP Tom Doshi as there are no footage or images of opposition supporters clashing with the police or attacking this election administration commission. Tom Doshi was present during this incident and

³²<https://lapsi.al/2019/06/29/perplasia-ne-diber-infermieria-nxierr-blof-qeverine-ska-police-te-plagosur/>

immediately after he publicly guaranteed the transportation of the new elections materials by private plane³³, although he is in no official capacity to do so. Doshi is a persona non-grata for US State Department due to crime ties and corruption³⁴. Opposition leader Lulzim Basha condemned the attack and denounced Doshi as its perpetrator³⁵. Rama and Doshi were side to side during SP campaign opening in Shkoder³⁶ on June 20th.

Incident near KZAZ nr.2 in Shkoder

On 28th June, KZAZ nr.2 in Shkoder was damaged by unidentified persons. After the incident, video footage by the security cameras were released showing that the perpetrators were Socialist Party supporters³⁷, despite of the accusations by the State Police.

Abuse of state resources and pressure on administration

The Government established a body with monitoring the public administration during the election campaign. At least two members of this monitoring body, Mr. Damian Gjijnuri and Mr. Ulsi Manja are amongst the most prominent political figures involved in the vote-buying investigation of Dibra by-election. This has perpetuated public perception of impunity and even promotion of those alleged to be involved in electoral crimes. There are several cases public administration use for political campaign, such as regional customs directors openly campaigning for the government. There is massive use of state resources on the side of ruling majority, including the State Police and other state institutions, in a clear violation of the OSCE principle of “clear separation of state from parties”.

In addition, another major violation is the pressure on voters and specifically on employees in the public administration with threats of job loss. Wiretaps of the prosecution files published by the German daily Bild on 2017 general elections

³³<https://www.youtube.com/watch?v=nKuwTwNxiPc>

³⁴<https://www.state.gov/public-designation-of-tom-doshi-under-section-7031c-of-the-fy-2017-consolidated-appropriations-act/>

³⁵<https://shqiptarja.com/lajm/basha-zef-hila-burrrw-kurajoz-dhe-me-dinjitet-sulmi-me-molotov-nw-kzaz-i-orkestruar-nga-rama-dhe-tom-doshi>

³⁶<https://lapsi.al/2019/06/20/detajet-rama-ne-shkoder-me-antiplumb-tom-doshin-dhe-ditmir-bushatin-foto/>

³⁷<https://www.youtube.com/watch?v=7O95LXjzJUc&feature=youtu.be>

confirmed the foundation of ODIHR priority recommendations and highlighted as a constant feature the pressure on voters and especially on public administration. Such pressure was exerted by both superior officials including government minister, MPs etc, as well as criminals. In the current voting process, widespread reports inform of massive pressure on employees in administration, businesses and persons who depend from public services, in order to force them to vote, in order to boost voter turnout against the boycott of the opposition. It is of major concern that in the presence of only Socialist Party polling station commissions and the pressure exerted, the secrecy of the voting process is inexistent.

Misuse of religious sites in the campaign

There have been two cases of the use of the Orthodox Church for political campaign by the Socialist Party. The Orthodox Church has condemned these two cases³⁸ as unacceptable and in violation of the law nr.10057 dated 22.01.2009³⁹.

Transportation of Voting materials

Articles 99 and 100 of the Electoral Code stipulate that voting materials must be distributed by the CEC to the KZAZ no later than 3 days prior to election day, and to the voting station no later than 15 hours before the voting starts. These deadlines have not been met as part of voting ballots and materials have been transported before the legally required deadline and there is no information where they are stored and under whose custody. There was ample evidence that SP militants are engaged in the distribution and transport of election materials by using their private vehicles (picture below).

³⁸ <http://orthodoxalbania.net/index.php/al/lajme/blog/6939-perdorim-i-papranueshem-i-mjediseve-kishtare-per-gellime-politike?fbclid=IwAR2wNR3xhwKN1CydteXadcSXcaD2LUKaXNhbny88qLGCoxQlsr6mD2VKA>

³⁹ <https://www.youtube.com/watch?v=JzJbzgo4Sjs>



Figure 1 : Gjirokaster, the car transporting electoral materials is owned by the nephew of SP candidate, Flamur Golemi, click on link below for full video⁴⁰

Political persecution of intellectuals and opposition activists

More than 500 opposition representatives & members have been investigated, detained or accompanied by Police forces in the months prior to 30 June 2019. Several opposition MPs have had the same sort⁴¹. In almost all cases, the courts ruled the arrests as illegal. This is evidence of abuse of extreme restrictive measures for political pressure against political opponents.

It is in this specific context of political oppression, that renowned intellectuals have also been object of direct threats and violent acts following their public criticism against Rama government and the holding of the June 30th elections.

The personal car of **Fatos Lubonja**, an author and opinionist critical of Rama, has been vandalized on Sunday, 7 July, as shown in the picture below. In a following statement, Lubonja declared the assault was intentional and that:

⁴⁰ <https://pd.al/wp-content/uploads/2019/06/Gjirokaster-car-transporting-electoral-materials-owned-by-nephew-of-SP-candidate.mp4>

⁴¹ Former opposition MP Bardh Spahia was detained and put under house arrest.

"What prompted me to make this clarification is the announcement issued by Police, which presents the event as if the person concerned did not intend to hit my car, but as he was fleeing because of the police, and then he accidentally hit a random car in the street. This is a shocking lie by the police trying to cover up a politically motivated crime."



Figure 2 : Car of Fatos Lubonja after aggression

Aurel Plasari, a publicist and a historian, has been also threatened following his numerous posts and articles openly criticizing the autocratic deviation of PM Rama.

Finally, **Klement Zguri**, Chairman the Central Electoral Commission, has been life threatened after his calls to investigate all electoral frauds identified during the 30 June voting, in particular the massive difference between voter turnout and counted ballots as explained above.

In the night of June 28th, private homes have been searched without a warrant and violence has been used by the state police forces in the city of **Dibër**. Police forces have busted in at 03:00 AM armed and violent against civilians and their children. Mr. Korab Shehi, a DP member, denounced the police violence against his family publically⁴².

On August 5, 2019, the house of the former Deputy Mayor of the municipality of Kamza, Mr. **Vendim Demaj** (DP) was vandalised due to an explosive attack. The Police and the Media did not report this serious incident intervening in the same moments when the Socialist candidate was trying to enter by force, to the Municipality of Kamza premises.

Former opposition Member of Parliament and University Professor, **Luciano Boçi**, has been life threatened during an ambush on June 30th, by several individuals that were following him by car. Boçi has deposited an official complaint in the Police station of Elbasan, giving the cars' plates of matriculation and specific details on the ambush. As of today, the Police has made no concrete actions into addressing this serious case.

Failure of Parliament to demand criminal investigation of vote rigging

A resolution on the work of the Prosecution Office approved by the ruling socialist majority in Parliament on 20 June⁴³, only 10 days prior to the vote of June 30th, fails to call for the swift and proper investigation of the vote rigging scandals that have plunged the country in a severe political and constitutional crisis (publication of wiretaps relating to vote-buying in the cities of Durres and Dibra during the elections held on 2016 and 2017).

Wiretaps from the prosecution investigation that were published by Albanian investigative journalists (here) but also by international media like Voice of America (here), BIRN (here) and the German daily Bild (here) show senior ruling party officials including PM Rama and drug lords conspiring on many occasions to rig elections in their favor.

PM Rama dismissed the allegations as irrelevant and condemned the leaks. This last stance is reflected on point 16 of the voted resolution. The Chairman of the

⁴² Video testimonial : <https://youtu.be/NOMTDEDWbdU>

⁴³ <https://www.parlament.al/Files/Projekte/20190627102453rezoluta%20e%20Prokurorise,%20dt.%2020.6.2019.pdf>

parliamentary Laws Committee, SP MP Ulsi Manja, demanded publicly on 5 June from the prosecutors to investigate such leaks. The prosecutor's office reacted promptly by issuing an order that banned all media to publish the leaked wiretapping⁴⁴. This act caused reaction from the media community, which forced the prosecutors to backtrack.

The Democratic Party has sent nevertheless an official request to the Albanian Prosecution Office⁴⁵ requiring the opening of an official investigation relating to the electoral and legal frauds committed in the framework of the vote of June 30th. The DP considers that the Prosecution office has sufficient evidences to start a probe as of the 1) non-respect of the Presidential decrees with serious constitutional & democratic consequences for citizens' constitutional ability and rights to elect public officials; 2) the unlawful registration of abusive political parties with the objective to support the SP; 3) the refusal of opposition's right to participate in the management of the electoral process, as a mean to ensure its balance and transparency; 4) the faking of the electoral result of the vote held on June 30th; 5) the falsified ballots of Vau Dejes (see below); 6) the appointment of local electoral commissioners against the law and 7) electoral frauds, including vote buying.

The opposition has been adamant that without the vote rigging officials facing justice there cannot be a return to normality. Spokespersons for the CDU/CSU parliamentary group in the German Parliament, a key actor in the decision making on the start of EU negotiations, have made it a condition for a positive vote. German and American diplomats have publicly requested a full and serious investigation of these cases.

⁴⁴ The order of Serious Crimes prosecutors Mr. Dritan Prençi and Mr. Vladimit Mara, dated 5 June 2019.

⁴⁵ Official request to open investigations relating to electoral frauds and other criminal offences, letter sent by Democratic Party of Albania, Dt. Juny 12th 2019, Nr. 109.

4. The unprecedented vote of June 30th represents a major setback for Albanian electoral standards.

4.1 Administration of the voting process

The falsified ballots and the “partisan” Electoral Commission in Vau-Dejës.

The ballots of the Vau i Dejës municipality were destroyed before the vote of June 30th, under unknown circumstances. Local hints suggest that this was part of an organised attempt to manipulate the incoming vote. By CEC decision no. 925, dated June 28, about 40 thousand ballots and all election materials, including lists or stamps, were officially withdrawn.

Further at 07:00 on June 30, the CEC reported that, following the personal engagement of the socialist-aligned MP Tom Doshi (a blacklisted individual by the United States), all organisational standards were met, that ballots had arrived as well as all election materials were being distributed to all polling stations in the Municipality of Vau i Dejës. Further, the voting process had been declared open in all VCs.

Such CEC statements and organisational decisions were all a criminal falsification. According to official documents, the official ballots printed outside of Albania, were still in the Hani Hotit Customs border point at 07:58 pm on June 30, according to official documents issued by the customs service⁴⁶.

⁴⁶ <https://gazetamapo.al/fletet-e-votimit-ne-vau-i-dejes-pd-kap-mat-kqz-ne/>

Figure 3 : Albanian Custom documentation relating to the ballots of Vau Dejes

Once the truck carrying the ballots had passed the Hani Hotit custom point, the ballots had to follow the normal process being transported to Tirana, to be validated upon delivery by the CEC and then re-transported to the Vau i Dejes CEAZ and only then, to be distributed among all local VCs. Therefore, if the official ballots were still at Hani Hotit on June 30th at 8.00, it appears that the voting of June 30th in Vau Dejes was criminally falsified.

Another flagrant violation of the law is the composition of the CEAZ Vau Dejës itself. According to official data, Mrs. Listina Ndoja was a member of the CEAZ. But, she is also a treasurer for the “MARE ADRIATIK” Ltd Company, which is owned by the SP candidate for the Municipality of Vau Dejës, Mr. Mark Babani. Furthermore, Ms Listina Ndoji was herself a candidate for the Vau i Dejës City Council.

This contradicts Article 32 of the Electoral Code forbidding conflicts of interest among members of the CEAZ. The vote of such member in a CEAZ is null and void which has

brought the commission under the legal quorum for decision making, invalidating any decision making including the tabulation of results. This problem was widespread among commissions of both middle- and lower level and is indicative of the complete disregard in respecting basic principles of the rule of law in the election process, following the violation of the legally required balance of commissions as well as the collapse of appeal guarantees.

The local management of the Voting centres was under SP exclusive management.

Albeit against the law, all voting centres across the country were managed solely by the electoral commissioners appointed by the Socialist Party. In numerous occasions, like in the Municipality of Vau i Dejës described above, the members of the local VCs and KZAZs were employed or had direct subordinated links with the Socialist candidates.

This situation, has led to a highly biased and politicized environment in which all the electoral management bodies, from the CEC up to the lowest levels, were politically motivated. One should remind that out of the 5 CEC's members, four were appointed by the Socialist Party.

On other occasions, the members of the electoral commissions were high level civil servants (with well-known and documented political links, including participation in the electoral process) who not only exerted indirect and direct pressure to their subordinates to physically attend the voting of June 30th, but also supported the falsification and alienation of the final results.

ANËTARËT-E-KZ...NDORE-2019-1 - Read-only

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Fajlon	Cajupi	PS	Kryetar
Rezart	Sulstarova	PS	Anëtar
Kreshnik	Laknori	PS	Anëtar
Erlis	Celo	PS	Anëtar
Fajlon	Dervishi		Sekretar Kryesisht
			Nr.Tel 697128307

KZAZ Nr.41
Adresa: Tiranë, Shkolla "Ahmet Gashi", Nj. Bashk. Nr.11

Emri	Mbiemri	Subjekti	pozicioni
Leonard	Disha	PS	Zv.Kryetar
Jorida	Bushaj	PS	Anëtare
Berti	Ylli	PS	Anëtar
Zamirë	Hoxha		Anëtar Kryesisht
Gjergji	Peribaj	PS	Sekretar
			Nr.Tel 695544109

KZAZ Nr.42
Adresa: Kavajë, Palesra e Shkolles 9-vj "Tre Dëshmoret"

Emri	Mbiemri	Subjekti	pozicioni
Megi	Kastroshi	PS	Kryetare
Andi	Kala	PS	Anëtar
Rovim	Oranga	PS	Anëtar
Daurna	Lika	PS	Anëtare
Jorida	Vrapci		Sekretare Kryesisht
			Nr.Tel 696636699

KZAZ Nr.43
Adresa: Arogozhina, Qendra Kulturore e qytetit

Emri	Mbiemri	Subjekti	pozicioni
Raxhi	Memolla	PS	Zv.Kryetar
Elton	Sula	PS	Anëtar
Griselda	Kaçani	PS	Anëtare
Andi	Proshka		Anëtar Kryesisht
Skender	Dedej	PS	Sekretar
			Nr.Tel 692139051

Misuse of public office (position) to pressure voters – Gjergj Peribaj is a member of Technical Secretariat for the Vetting of High Officials of the State Police is being selected inappropriately as a secretary of the District Election Commission No.41

Figure 4 : Involvement of state police personel in election administration.

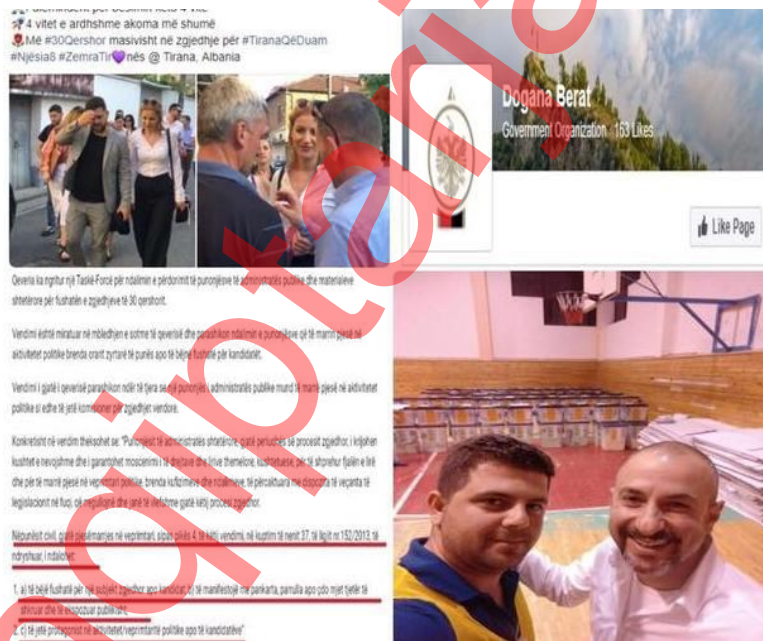


Figure 5 : Involvement of Customs personnel - The General Director of the Customs of Berat, Aurel Veizaj is directly involved in both, the socialist campaign and the electoral management in Tirana (pictured left in a counting venue with the SP MP Ervin Bushati) 47.

47 <http://www.standard.al/2019/06/13/veliaj-ve-ne-rresht-drejtoret-e-rrugeve-dhe-nepunesit-e-bashkise-ne-festene-ps-reagon-berisha/>



Figure 6 : Misuse of public administration personnel resources and influence - Korçë

Pressure on Public Administration to attend voting

Independent media, citizens and public officials under anonymous conditions have published dozens of communications from across the country, between public administration directors and their subordinates of pressure to get out and participate in the voting of June 30th. Public servants were being threatened to lose their jobs if they didn't comply to these orders. Often, they were requested to accompany their family members to vote under the same threat of losing their job position. There were widespread reports of voters employed in private companies which are under contract with public administration for various services or public works, being forced by their employers to participate in the vote. For example, employees of private security firms which have their licenses issued and renewed by the police, were pressured to vote as

the companies were under threat of losing their special professional license. In Durres municipality, vendors in the grocery market were threatened to lose their vending spot in the marketplace, in case it resulted they would not show up to vote together with their families.

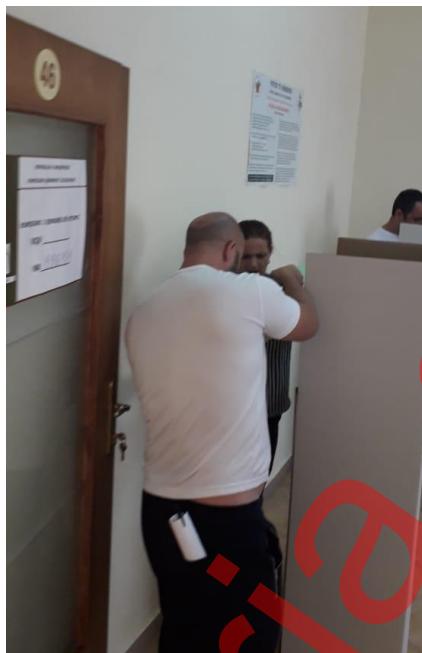


Figure 7 : Group voting in administrative unit 9, Tirana

For additional pictures and videos, please refer to : www.pd.al
(sublink in ENGLISH [here](#))

1. "Collective voting-violation of secrecy #1-Finiq Municipality"	0:56
2. "Collective voting-violation of secrecy #2-Finiq Municipality"	0:18
3. "Collective voting-violation of secrecy #3-Finiq Municipality"	0:16
4. "Violatiom of secrecy of voting in Elbasan_use of camera devices above the voting booth"	0:11
5. "Violation of secrecy of voting in VCC 2794 Kotodesh,Prrenjas Municipality (2)"	0:23
6. "Illegitimate process of voting_presence of only 1 out 4 required commissioners_in VS 2794 in Kotodesh Prrenjas"	0:19
7. "Pre-Marked and pre-stamped ballots given to voters outside station polls before they cast their vote"	0:28
8. "Voter claim to have been able to vote twice, by showing marks on both thumbs in the city of Cerrik"	0:12
9. Manipulation of the voting process in Burrel. VCC closed at 18.00 at Ilia Qiqi school in Burrel Municipality, commissioners have locked the polling ...	0:13
10. "Pre-Marked and pre-stamped ballots given to voters outside station polls before they cast their vote"	0:28
11. Use of assets for bringing voters to the polls. In the city of Divjaka, voters are escorted by buses to cast their votes in different polling stations	0:23
12. Use of the High Public position to hinder the voting process. Minister of Infrastructure, Belinda Balluku is unlawfully present inside polling statio...	0:32
13. Use of the High Public position to pressure on voters. Member of Parliament Sadri Abazi, accompanied by problematic militants exerting pressu...	0:14
14. "Voter claim to have been able to vote twice, by showing marks on both thumbs in the city of Cerrik"	0:12
15. Testimony of vote-buying in Progradeç. The person filmed testifies that commissioner Ligor Shkodrani has press.	1:07
16. "Grouped counting of ballots – impossibility to validate counting (Shkoder)"	1:35
17. "Ballots without stamps in Shkodra – in one voting center alone, 5 invalid ballots out of 23"	1:07
18. "Grouped counting of ballots – impossibility to validate counting (Tirana)"	0:45
19. Gjirokaster, the car transporting electoral materials is owned by the nephew of SP candidate, Flamur Golemi	0:34
20. Ura Vajgurore - falsification of ballots in order to increase votes for SP during counting	7:12
21. Kamez - irregular counting of ballot boxes	12:49



Figure 8 : Example of pressure on public administration, Municipal Police of Tirana

Transcript of pictured communication (picture 4) in a Whatsapp group of Tirana Municipality police:

Header: Tirana Municipality Police

Ermal the Chief: Those who have not voted should immediately go as there is a low turnout in Tirana. It is an order from the mayor. 15:19

Petrit of Municipality Police: Chief, we have voted already in the morning. 15:21

Artur Bomova: Most of the people have gone to the beach. Including the party members. 15:22

Ermal the Chief: Take urgent measures to boost the turnout. Fingers shall be checked to everyone on Monday at the municipality. 15:23

Loris Hasanaj: Ok (thumb up sign) 15:25

Bajrami Municipal Police: Yes chief. 15:25

The impossible “secret vote”

The voting process failed to meet privacy & secret vote standards as voters having one sole candidate to vote were clearly identifiable as of their political affiliation upon the choice to appear to vote or not. Furthermore, the presence of only SP commissioners and lack of opposition commissioners and observers, undermined the following of procedures inside the polling station that guarantee the secrecy of vote. Often, voters were accompanied to the booth by the commissioners or other unauthorized persons standing inside the polling station. Commissioners often stood close to the booths, intimidating voters by threatening to disclose the vote. In addition, on numerous occasions, the voting process happened in a completely open environment with secret booths not being used, with families being requested to vote collectively and in one occasion in the city of Shkoder, with vote casting being aired live on TV.

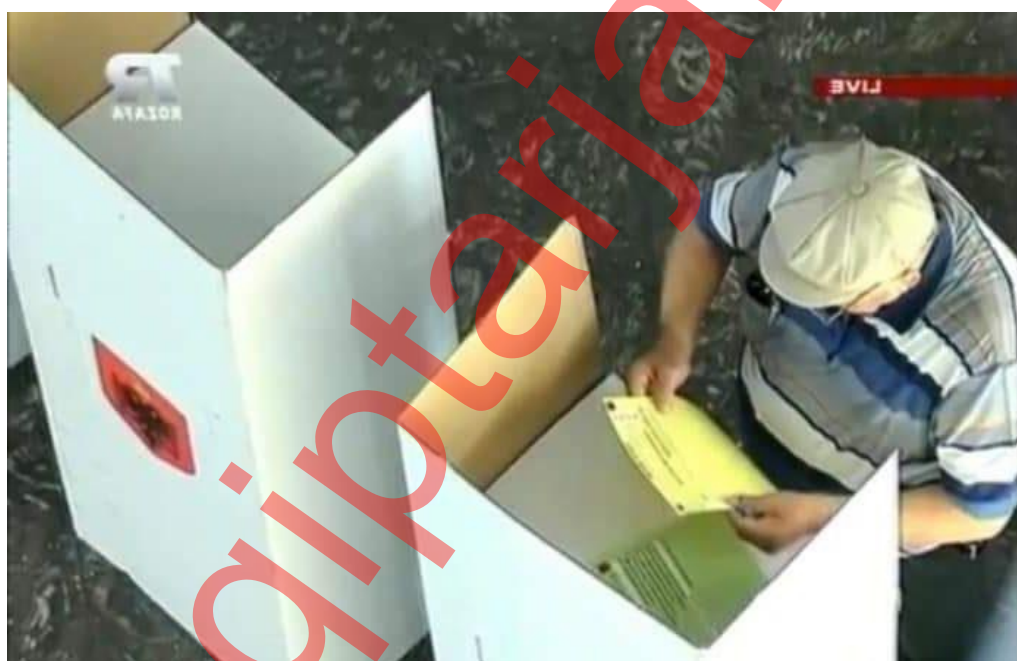


Figure 9 : The voting filmed and transmitted live in TV at Radio Shkodra voting center at Shkodra



Figure 10 : Secrecy of vote at Vote Center no. 1961, Administrative Unit no. 9, Municipality of Tirana

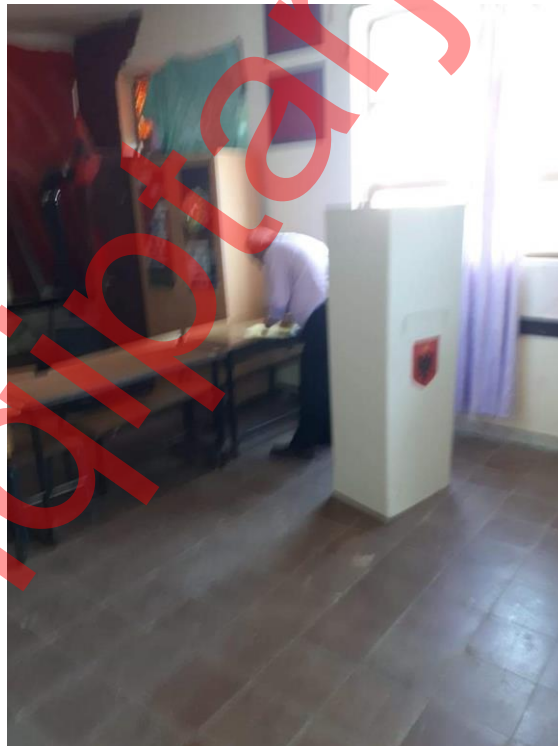


Figure 11 : Secrecy of vote, open vote in Fier

4.2 The “vote”

Vote buying

A significant number of cases were reported of voters being influenced to physically participate in the voting of June 30th under threats of losing their jobs (see above) or by receiving cash in return.



Figure 12 : vote buying in Kukes

Stuffing of ballot boxes

Due to the lack of independent observers, of opposition representatives, or CEC surveillance, the solely socialist run local electoral commissions have interfered in the voting process by massively filling ballot boxes with ballots in favour of the Socialist candidates. Socialist local electoral commissioners have falsified voting lists by forging data and signatures of persons known to be emigrants abroad and impersonating them, relatives or militants, who did not come to physically cast their vote, but in the voting lists appear to have voted nevertheless. The private management and transport of the filled boxes, have cast serious doubts as of the integrity of the socialist local electoral commissioners who appear on numerous occasions under the effects of alcohol and/or other illicit substances.



Figure 13 : Stuffing of ballot boxes in Kavaja by SP commissioners.⁴⁸



Figure 14 : Socialist electoral commissioners in apparent abnormal behaviour and polling taking place in destitute premises undermining the integrity of the process⁴⁹.

⁴⁸ An SP commissioner (see badge) signs on the voter list, takes ballots which are premarked by another commissioner and stuffs them in the ballot box. It is not a commissioner exercising the right to vote. According to the law, commissioners vote only in the end when all voter have voted while it is evident from the content of the box the voting is still at early phase. In addition no other commissioners are voting. The commissioner is not checked and registered hi ID card details, his finger is not marked and does not mark the ballot personally, which are all obligator procedures. The commission records data of other voter who is not present (the voice of the camera operator discloses this). Later on, the main supply of electricity to the camera was switched off to disable the camera. The video shows that the polling is taking place in the open and not in secure environment. Full video and press declaration from DP : <https://www.facebook.com/partiademokratike/videos/391163121749650/>

Manipulations of voter turnout and counting of ballots

Due to the very low turn-out during the voting day, the Central and Local Electoral Commissions have massively interfered in the official voter turnout reports and results with the objective to portray a higher support for PM Rama and his unopposed candidates running for the local voting of June 30th.

The CEC reported at regular intervals voter turnouts which did not correspond to the official figures recorded in its database based on reports received by all polling stations. Despite reports of very low turnout from opposition and other observers in the field, CEC publicly posted data as well as the media, the CEC made official public statements falsely reporting higher turnout. Sources from within the CEC reported of direct orders of SP representatives received by the SP-controlled members to boost such figures. At 11:00 AM (see below detailed table), the CEC had in its database a link showing that the voter turnout was 218,981 voters corresponding to 6.19% but reported publicly a voter turnout of 12%. At the closure, the CEC had in its website a voter turnout of 771,863 voters corresponding to 21.83% while the CEC publicly reported a 24.12% voter turnout, in an clear attempt to show that the participation was half of the 48% that had participated in 2015 local elections. Filed observers of the opposition set the voter turnout at 15%.⁵⁰

The Democratic Party believes the CEC has refused its request to make public the detailed voting reports of local voting centres as these will expose the massive manipulation of the ballots boxes and of voters' lists.

⁴⁹ <https://www.facebook.com/SaliBerisha/videos/328642471398105/>

⁵⁰ 1- CEC official data on voter turnout until 18:00 without percentages: <http://cec.org.al/wp-content/uploads/2019/06/Pjesemarrja-ne-votime-1.pdf> ; 2- CEC official data on voter turnout until 18:00 with percentages : <http://cec.org.al/wp-content/uploads/2019/06/Pjesemarrja-me-deri-ne-oren-18.00.pdf> ; 3- CEC official data on voter turnout on 19:00 (closure): <http://cec.org.al/wp-content/uploads/2019/07/Pjesemarrja -ora-19-00.pdf> ;

Report on the 30 June 2019 voting for local authorities

QARKU	KZAZ	Nr. QV	Nr.Zgjedhesve	Ora 11:00	Ora 13:00	Ora 15:00	Ora 18:00
Shkodër	1	80	44644	1000	4000	4600	6429
	2	114	70543	1000	3000	3500	6400
	3	49	32239	70	1380	2000	2345
	4	45	31034	900	1071	1500	2241
	5	47	30695	400	1152	1720	2137
	6	53	38746	1800	3127	4012	4158
	7	25	12065	450	1450	2709	3630
	8	16	9055	320	1440	1959	2200
Kukës	9	49	21372	830	1200	2405	3010
	10	34	15811	1140	2198	2888	3690
	11	88	44355	2800	4700	6900	9300
Lezhë	12	57	42856	1300	4000	5000	7000
	13	69	43610	2500	4045	4441	6000
	14	64	28191	2000	4200	4350	5100
	15	76	57021	2280	4127	5014	6890
Dibër	16	54	29542	3300	5612	6810	7180
	17	32	15594	888	2160	3020	3500
	18	55	29521		2500	5000	6000
	19	118	56797		5538	10083	12614
Durrës	20	88	62234	5000	7300	13000	15000
	21	103	74733		3000	6684	8100
	22	74	62668	2800	5600	6100	9000
	23	75	57548	1900	2410	5200	7200
	24	72	56508	3000	6480	6600	6680
	25	55	35573	3400	3900	3810	4950
Tiranë	26	44	29316	1960	3400	3550	4500
	27	87	65921	2500	3000	4652	5319
	28	40	33717	550	1700	2760	3233
	29	100	61228	2017	11349	13070	15614
	30	83	54688	5793	8687	9230	14085
	31	57	41444	651	3500	7156	8586
	32	87	66589	4300	9134	12520	14829
	33	52	36952	3530	5400	6909	7999
	34	71	51907	5784	6970	8138	9516
	35	93	70688	6500	12000	13120	15500
	36	73	58782	6000	6300	8116	9820
	37	82	60716	4680	8128	11158	13437
	38	50	34024	3318	4578	5541	7000

Report on the 30 June 2019 voting for local authorities

	39	71	51693	1970	5500	9237	11369
	40	32	23577	895	4089	4810	5460
	41	68	50549	3994	6597	8103	9032
	42	84	63366	2800	4000	5140	6000
	43	56	31474	2080	3396	4100	4617
Elbasan	44	53	29782	2000	3350	4200	4746
	45	41	25104	1453	4211	5208	6333
	46	60	36729	1965	4114	5199	5432
	47	116	61909	3095	9940	11695	15872
	48	43	37504	2003	5014	5838	6919
	49	39	34295	2676	3978	4757	5273
	50	37	32830	2136	4076	5176	5977
	51	63	27157	2700	5847	7446	8623
	52	61	33021	3236	6479	8501	10099
	53	39	24927	2120	4300	5769	6777
Fier	54	96	58534	7039	7839	13205	16184
	55	65	44864	4439	7493	8541	10356
	56	70	42381	5933	9747	9796	12150
	57	118	77835	8000	8561	14440	21270
	58	108	84520	6884	12688	16000	18000
	59	49	34861	2747	6168	6906	7631
	60	34	25020	1470	1500	6319	7380
	61	57	31535	1320	3000	5753	5753
Berat	62	50	30763	3300	4400	5100	5700
	63	70	44638	3970	6538	7200	7960
	64	125	79708	1653	7700	11300	16500
	65	26	13394	1700	3200	3806	4570
	66	31	13881	8000	2600	2976	3933
Korçë	67	116	71764	1100	7625	11265	14842
	68	81	48981	2700	7000	9770	12700
	69	8	4360	500	1100	1692	2173
	70	54	33566	2100	4000	5435	7117
	71	59	34128	1600	3350	4500	6350
	72	108	74765	5000	7500	9000	12200
	73	34	15605	1400	3360	3950	4840
Gjirokastrë	74	29	16284	1690	2484	3654	4283
	75	21	9565	700	1500	2100	2557
	76	33	16040	1350	2500	3400	3640
	77	29	12699	1418	2712	3632	4269
	78	70	42993	1033	2680	7230	10038
	79	12	5860	335	890	980	1162
	80	40	20006		2000	2109	2390

Figure 15 : Voters participation according to time and districts

According to the final official results published by the Central Electoral Commission itself, there are at least 20 municipalities (out of 61) in which there are more counted ballots than physical real voters. For instance, in the municipality of Durres, both the opposition monitors outside every polling station and the CEC reports from each polling station reported after the closure of polls a voter turnout just under 14%.

According to the official CEC figure there were 35.062 voters which is very similar figure reported by DP monitors, but there are 41.478 counted ballots: the increase via vote manipulation is 18.3%. In addition, 3,030 votes were declared as invalid by the CEC in the whole municipality. Based on the figure of voters that were reported initially to have voted, that accounts for 8,64% of the voters. In 2015 local elections there were some 2,600 invalid votes cast, out of 101,000 votes cast, accounting for just 2.54%. Based on this, the number of invalid votes in the municipality of Durres in 2019 was 3.4 times higher than in 2015 local election. This indicates that a large number of voters, predominantly public administration employees, have deliberately invalidated the ballot, as a result of being forced to turn out to vote, confirming other substantiated claims of a systematic campaign of pressure on voters to turn out to vote.

A count performed by the DP using the video recording from counting tables⁵¹ in a number of counting centres in Tirana and Shkodra show huge manipulation of results. As a result of the illegal rejection of opposition commissioners and vote counters, the SP controlled CEAZs and counting teams have largely ignored the legal procedures of the count, have falsified the results by altering figures for individual electoral subjects and of invalid ballots counted as well as the total number of ballots found in the ballot boxes. The official protocols report forged data, thus amounting to criminal offence. The recordings prove that ballots have been put in stacks under the camera, and have been taken away again in stack without counting them. Often the mark on the ballot is covered with the finger in order to hide it, ballots have been shown only from the back side and not from the front side, hence not being counted, in other cases ballots are passé swiftly under the camera or put on the side so impossible to film.

CEAZ of Borough no. 10, Tirana

In CEAZ corresponding to Borough 10 of Tirana, the very center of the city, the SP candidate, the incumbent mayor Erion Veliaj, is reported officially to have won 5835 votes while the video counting gives to the SP candidate 3831 votes or 1553 votes less than the official tabulation. DC has obtained officially 394, while the video recording gives 329 votes, or 65 votes less than officially tabulated. 918 ballots cannot be distinguished whether are valid or invalid, and in the later case, for which subject have

⁵¹ Video recordings were officially obtained upon formal request to the CEC : visit link (section videos nr. 16 & 17) : <https://pd.al/2019/06/numerous-irregularities-identified-as-socialist-majority-aims-at-legitimizing-solo-candidates-process/>

been cast. The total number of votes reported officially is 6131 while the video count shows that only 5830 votes were found in the box or 301 ballots less⁵².

Another serious manipulation is the alteration of invalid ballots. The official result protocol reports 352 invalid ballots while the video count shows that the number of invalid ballots is 752 invalid ballots, or 400 ballots more than reported on the protocol. These ballots appear to have been counted as valid ballots mainly for the socialist candidate. This manipulation not only falsely increases the result for the candidates, but it also aims to decrease the number of invalid ballots which is unusually high. The number of invalid ballots accounts for at least 13% (the official figure is 5.7%). In 2017, in the same CEAZ the number of invalid ballots was only 255 ballots, 2.1% or over 6 times lower. This is proof that many voters, mainly public administration employees have been forced to vote and as a result have invalidated their ballot.

CEAZ of Borough no.7, Tirana

In CEAZ corresponding to the city Borough 7 of Tirana, the SP candidate, the incumbent mayor Erion Veliaj, is reported officially to have won 12814 votes while the video counting gives to the SP candidate 12098 votes or 716 votes less than the official tabulation. DC has obtained officially 983, while the video recording gives 916 votes, with 67 votes less than officially tabulated. 490 votes cannot be distinguished whether are valid or invalid, and in the later case, for which subject have been cast. The total number of votes reported officially is 15112 while the video count shows that 15019 votes were found in the box, or 93 ballots less.

The official result protocol of the same CEAZ reports 1315 invalid ballots while the video count shows that the number of invalid ballots is 1515 invalid ballots, or 200 ballots more than reported on the protocol. These ballots appear to have been counted as valid ballots mainly for the socialist candidate. The number of invalid ballots from the video count, accounts for at least 10.1% (the official figure is 8.7%). In 2017, in the same CEAZ the number of invalid ballots was only 532, 1.8% or over 5.6 times lower. This is again proof that many voters, mainly public administration employees have been forced to vote and as a result have invalidated their ballot.

⁵² Video of Tirana borough 10 ballot counting as described in text (Section videos nr.18) : <https://pd.al/2019/06/numerous-irregularities-identified-as-socialist-majority-aims-at-legitimizing-solo-candidates-process/>

CEAZ no. 3, Shkoder

In another case, in the CEAZ no. 3 in Shkoder, the SP candidate, who ran unopposed, is officially reported to have won 2688 votes while the video counting gives to the SP 2046 votes or 642 votes less than the official tabulation. 108 votes cannot be distinguished whether are valid or invalid. The total number of votes reported officially is 2809 while the video count shows that 2380 votes were found in the box or 429 ballots less.

The official result protocol of the CEAZ no. 3 in Shkoder reports 121 invalid ballots while the video count shows that the number of invalid ballots is 226 invalid ballots, or 105 ballots more than reported on the official protocol. These ballots appear to have been counted as valid ballots for the socialist candidate. The number of invalid ballots from the video count, accounts for at least 9.5% (the official figure is 4.3%). In 2017, in the same CEAZ the number of invalid ballots was only 2% or over 4.75 times lower. This is another proof that many voters, mainly public administration employees have been forced to vote and as a result have invalidated their ballot.

CEAZ no. 23, Durres

In CEAZ no. 23 corresponding to the urban area of the municipality of Durres, the SP candidate is reported officially to have won 8496 votes while the video counting gives to the SP 8167 votes or 329 votes less than the official tabulation. DC has obtained officially 1226 votes, while the video recording gives it 1188 votes, with 38 votes less than officially tabulated. 186 votes cannot be distinguished whether are valid or invalid, and in the later case, for which subject have been cast.

The official result protocol of the same CEAZ reports 1152 invalid ballots while the video count shows that the number of invalid ballots is 1291 invalid ballots, or 139 invalid ballots more than reported on the protocol. These ballots appear to have been counted as valid ballots mainly for the socialist candidate. The number of invalid ballots from the video count, accounts for at least 11.9% (the official figure is 10.6%). In 2017, in the same CEAZ the number of invalid ballots was only 487, 2.1% or over 5.6 times lower. This evidence from an urban voting area where most of the public administration employees are concentrated is again proof that many voters, mainly

public administration employees have been forced to vote and as a result have invalidated their ballot.

CEAZ no. 50, Elbasan

In CEAZ no. 50 corresponding to the urban area of the municipality of Elbasan, the SP candidate who ran unopposed, is reported officially to have won 6649 votes while the video counting gives to the SP candidate 5804 votes or 845 votes less than the official tabulation. 472 votes cannot be distinguished whether are valid or invalid.

The official result protocol of the same CEAZ reports 422 invalid ballots while the video count shows that the number of invalid ballots is 815 invalid ballots, or 393 invalid ballots more than reported on the protocol. These ballots appear to have been counted as valid ballots for the socialist candidate. The number of invalid ballots from the video count, accounts for at least 11.5% (the official figure is 5.9%). In 2017, in the same CEAZ the number of invalid ballots was only 271 or 1.8% or over 6.4 times lower. This evidence from an urban voting area where most of the public administration employees are concentrated is another proof that many voters, mainly public administration employees have been forced to vote and as a result have invalidated their ballot.

Below a list of 20 municipalities showing how many manipulated ballots were added in comparison to the real participation of voters during the June 30th voting. It should be recalled that out 61 municipalities, 31 had only one candidate.

**ADDED MANIPULATED BALLOTS COMPARED TO REAL PARTICIPATION
JUNE 30TH**

Municipality	Manipulation	Municipality	Manipulation
Finiq	41,35 %	Krujë	11,96 %
Ura Vajgurore	35,25 %	Gramsh	10,57 %
Berat	27,00 %	Kukës	10,20 %
Vau i Dejës	21,35 %	Divjakë	8,85 %
Maliq	21,33 %	Lushnje	7,53 %
Durrës	18,30 %	Shkodër	6,78 %
Bulqizë	17,17 %	Rrogozhinë	6,62 %
Dropull	13,99 %	Sarandë	6,08 %
Malësia e Madhe	12,66 %	Vlorë	5,97 %
Korçë	12,41 %	Belsh	5,36 %

Figure 16 : Added manipulated ballots compared to real participation

Case in point: the vote manipulation in Elbasan

An extreme case in point of vote-rigging is represented by the final results published by the Central Electoral Commission referring to the voting held in the Municipality of Elbasan, one of the largest cities in the country, in which only the socialist candidate was running for the mayoral position.

According to the final official sheet below, there were apparently:

- 40.603 individuals that have voted on June 30th;
- but only 35.618 ballots found in the ballot boxes;
- out of which 38.479 were considered as valid ballots.

		GJITHSEJ	
1	Numri Zgjedhësve që kanë votuar	gjithsej	40603
		femra	18043
2	Fletë votimi të papërdorura		124650
3	Fletë votimi të dëmtuara		133
4	Fletë Votimi të gjetura në kuti		35618
5	Vota të pavlefshme		2089
6	Vota të vlefshme		38479
7	Fletë votimi të hedhura gabim		44

KANDIDAT PËR KRYETAR			
1	GLEDIAN ILJAZ LLATJA	ASE	38479

Figure 17 : Final results Elbasan

4.3 Certification of the voting process

The Durrës ruling as a case in point

Fulfilling all the obligations set forth in Article 60, paragraph 1 and 2 of the Law No.139/2015 "On Local Self-Government", every court of judicial districts, under whose jurisdiction is incorporated the relevant municipality is involved, must validate the mandate of the elected mayor of the municipality.

The certification of the mandate is not a formal aspect or procedure, but a process followed from the court which in each case should investigate deeply and, in every aspect, the process from which the mandate is claimed. This is a process dictated by the constitutional and legal principles which are established in the Article 45 and of the Albanian Constitution and the relevant provisions in the Electoral Code of Albania.

On 17 July the Durrës District Court rejected the petition to confirm the mandate of the SP candidate based on the argument also stipulated in the Preliminary ODHIR Report on June 30 that Bindja Demokratike (BD) was registered as a political party unlawfully, and should have not been allowed to be registered as an electoral subject.

The Court of Durrës District in its decision Nr. 11-2019-4127, 17.07.2019 decided as

follows: *“To dismiss the petitioner's request Valbona Sako, for the confirmation of the mandate of the Mayor of Durrës”*. In the legal argumentation of the decision, the judge stipulated that the candidate proposed from the party Bindja Demokratike is considered registered in an unlawful way.

The court supported this finding on the facts presented from the opposition and the CEC as well as the facts reported in the Preliminary Report of OSCE/ODIHR observing mission.

The court declared null and void the decision of registration of Bindja Demokratike (BD), and all other decisions related to the participation of BD in the elections, including the decision of registration of the candidate by this party. Consequently, the Court of Durrës declared null and void the decision of approval of the contents of the ballot paper for Mayor of Durrës.

Because the approval decision regarding the content of the ballot paper for Durrës municipality was declared null and void, the Court found the elections for mayor of Durres to be invalid and consequently rejected the request for validation of the mandate by the SP candidate.

Through an unprecedented decision, just two days later, on 19.07.2019, the same court of Durrës, in flagrant violation of all legal provisions, legal precedents, and the principle of res judicata, accepted to consider the same case presented by the SP⁵³, signed directly by the SP Chairman and PM, Edi Rama, in attempt to threaten the court. But this time, with another panel of the same court, that would decide again on the validity of the mandate of the candidate Valbona Sako, although the court decision dated 17.07.2019 was still valid and in force. The second decision of the Durrës court (not the appeal) validated finally the SP Mayoral mandate, Valbona Sako.

Following this unprecedented decision, in a number of other district court courts, mainly in Shkodra (twice) and in Tirana, there has been a lack of willingness of the courts to deal with and decide on aspects of the legality of the electoral process. and

⁵³ The request for the certification of the mandate is presented to the court only by the elected mayor and not from the party. Not only this is based on the long-established practice, but is directly linked to the requirement of the Constitution that the mayor be elected directly, hence it is a personal mandate, not linked to other imperative mandates.

the constitutionality of the mandates stemming from this process. In these other cases, the district courts have refused the jurisdiction to adjudicate on these requests, claiming them to be a competence of Administrative Court. The organic law of local powers, passed in 2015 when administrative courts were already operative, gives the competence specifically to civil district courts, and applied also in 2015 local elections. The current situation, the constitutional uncertainty and the pressure from the Government through the vetting process, appear to have forced the courts in this direction. Disputes of competence between courts are settled by the High Court which does not exist due to the dismissal of most of its members following the vetting process or termination of mandates for other reasons and the failure to fill in vacancies.

The CEC's practical "denial" of the right to complaint/appeal

The Central Electoral Commission adopted 159 decisions and reviewed 55 draft decisions following the June 30 voting date. In relation to the scope of these decisions, most of them served to:

- 10 decisions relating to the voting result for the election of Mayors in those municipalities administered by more than 1 CEAZ;
- 10 decisions relating to the voting result for the election of City Councillors in those municipalities administered by more than 1 CEAZ;
- 139 decisions relating to 47 appeal requests filed to the Central Election Commission after the voting of June 30, 2019.

Referring to these appeals, 42 requested "the Invalidation of the Municipal Council Elections", 4 requested "the invalidation of Mayoral Elections" and 1 requested the recounting in some Voting Centres.

Following the final CEC decision-makings, the 139 decisions are divided into:

- 7 decisions on the appointment of a complaint rapporteur;
- 4 decisions refusing the request for complaint;
- 41 decisions returning the complaint request for further information;
- 44 decisions to review the complaint request;
- 42 decisions to re-confirm the CEAZ / CEC decision;
- 1 decision of full termination of review.

In short, the CEC practically did not accept any of the complaints submitted by the subjects in the race. Not only that, but the CEC has refused to carry out an administrative investigation, which constitutes a legal obligation for this institution, in all cases. The breaking of the balance of the CEC and other election commissions, approval of acts without the required quorum and failure from the Electoral college to uphold the law, have destroyed all guarantees established in detail by the Electoral Code.

Very similarly, the CEC has refused to made public all the information required by opposition parties following the vote of June 30th. Through an official reply⁵⁴, the CEC acknowledged not comply to the electoral code and to transparency standards as of the request to share with opposition parties the final list of voters having participated on June 30th or the official copies of Voting centres electoral reports.

Lezha - the sole "problematic" case of re-counting ballot boxes after a complaint.

The CEC made solely one exception to the general refusal to accept the complaints submitted by the electoral subjects participating in the voting of June 30th. The case relates to the voting held in the municipality of Lezha and it served as a political "legitimation" that the voting was not manipulated.

The CEC decided to recount and reconfirm the ballots cast in 11 polling stations following a complain request.

The administrative examination of the evidences and the counting did not reveal any such violation to the extent to lead to the invalidation of the results declared in the Lezha voting centres VC no. 0686, VC no. 0791, VC no. 07141, VC no. 07142, VC no. 07171, VC no. 07294, VC no. 0740, VC no. 07403, VC no. 0727, VC no.0770, VC no.0705.

In conclusion, the CEC decided to overturn the complaint request and leave the decision of the CEC in force, "On the release of the voting result for the mayor of Lezha".

But, contrary not only to the principle of a thorough and comprehensive administrative investigation, but also to the request of the CEC Chairman himself (a request that was

⁵⁴ CEC official correspondence, Dt. 19/07/2019, Nr. 13394/1

refused by 4 votes against – all CEC appointed socialist members - and 1 in favour), the CEC refused to open the election material boxes as it did for the ballot boxes. The opening of the election material boxes - where the list of the voter is kept alongside the respective signatures of those who voted at that polling station is mandatory when a recount is required in an appeal process in front of the CEC. As it is an administrative investigation on irregularities surrounding the election process and/or the count, the CEC is obliged to look and find the evidence in all election material, and establish whether it is a case of recount and remedy the violation by recounting and retabulating the ballots, or is it in front of an invalidation of elections. For this reason, the CEC had to follow first the procedure of investigation of election material according to article 136 of the Code and then, after ruling out invalidation, could perform the recount according to article 138. The Electoral Code allows the recount only at the counting centre, during the count of a box and upon immediate contestation. There is no recount as such that can be performed by the CEC, unless as part of examining an appeal. By investigating the voter lists with signatures, the CEC would have allowed to compare the number of votes found in each ballot box with the signatures in the voting list, thus practically confirming the true number of voters who had physically cast ballots at these polling stations.

This very important verification was rejected by the CEC, contrary to any previous practice of opening the ballot boxes alongside with the election material boxes, turning the pseudo-process of opening 11 ballot boxes in the Municipality of Lezha into a worthless “propagandistic” process.

CEC political refusal to assess Presidential decree of October 13th

The Central Election Commission refused on August 5th to assess the request of three opposition parties to register for the incoming local elections of 13th of October, as stated by the Presidential Decree of 27 June, 2019.

The official deadline to register for the elections of 13th of October was 4th of August.

The CEC refusal was due to the "summer leave" of four out of five active members of the CEC, making therefore impossible the necessary quorum for any decision-making. The four members on leave, are all representatives of the Socialist Party.

Due to the paralysis of the Constitutional Court, the Presidential decrees remain in power as they have not been challenged on their constitutional ground.

Nevertheless, through an illegal move, the Socialist Party used the Electoral College (a tribunal with the rights to assess only electoral administrative issues but not constitutional ones) to confirm if the first decree of the President was valid or not. Even so, no decisions were ever made on the second Presidential decree which remains practically in power, unchallenged by any decision of any body.

By refusing to assess the registration request for the 13th of October, the SP members in the CEC have acted in breach of the law therefore undermining seriously its credibility as a neutral and trustworthy body serving public interests. Despite the decree is in force, the CEC has de facto voided it by deliberately refusing to prepare procedures and logistics that would materialize the election process decreed for 13 October. While this is a criminal abuse of power by the SP-controlled members of the CEC, it also set a dangerous unconstitutional precedent when a politically motivated CEC may decide not to organize an election.

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