



Republic of Kosovo  
Republika e Kosovës-Republika Kosova  
*Paneli Zgjedhor për Ankesa dhe Parashtresa*  
*Izborni Panel za Zalbe i Predstavke*  
*Elections Complaints and Appeals Panel*

**A.no. 367/2019**

**Elections Complaints and Appeals Panel (ECAP)**, Panel composed of Judges: Gyltene Sylejmani Chairperson, Faton Ademi and Adnan Konushevci members with participation of legal official Besart Ademi, deciding on the complaint submitted by the candidates of NISMA-AKR-PD Coalition, Behxhet Pacolli, Islam Pacolli, Mirlinda Sopi-Krasniqi, Valdrin Lluka, Refiçe Ternava and Sedat Ismajli against Central Election Commission (CEC) due to irregularities during counting of the votes on Early Elections for Assembly of Republic of Kosovo dated on 06.10.2019, at the panel session held on 10.10.2019, made the following :

#### **DECISION**

To **dismiss** as impermissible the complaint submitted by the candidates Behxhet Pacolli, Islam Pacolli, Mirlinda Sopi-Krasniqi, Valdrin Lluka, Refiçe Ternava and Sedat Ismajli from NISMA-AKR-PD Coalition on Early Elections for Assembly of Republic of Kosovo dated on 06.10.2019, submitted against Central Election Commission (CEC),

#### **Reasoning**

On 10.10.2019, ECAP has received a complaint submitted by the candidates Behxhet Pacolli, Islam Pacolli, Mirlinda Sopi-Krasniqi, Valdrin Lluka, Refiçe Ternava and Sedat Ismajli from NISMA-AKR-PD Coalition submitted against Central Election Commission (CEC) claiming that the votes gained within NISMA-AKR-PD Coalition have resulted to be in discrepancy with their results as candidates which are presented in the result form of the candidates and the real data which were received by observers and commissioners. Further they claim the discrepancy occurred in most of the polling stations in Malishevo, Prizren, Klina, Peja, Ferizaj and Drenas and asked for the recounting of the same polling station.

Panel, upon preliminary examination of the permissibility of the complaint, found that

#### **Complaint is impermissible**

Panel did not conduct at all the review of permissibility of the complaint allegations concerning the alleged allegations in the complaint concerning the alleged irregularities during the counting of votes and the discrepancy of the results in most of the polling stations in Malishevo, Prizren, Klina, Peja, Ferizaj and

Drenas, due to the fact that the violations are linked to the voting results, it should be submitted upon announcement of the results by CE Pbut not at this stage of electoral process.

In the current case there was no final decision taken by CEP on announcement of the final results therefore Panel decided to dismiss the complaint submitted by the aforementioned complainants as premature. The dismissal of the complaint submitted by Behxhet Pacolli , Islam Pacolli, Mirlinda Sopi-Krasniqi, Valdrin Lluka, Refiqe Ternava and Sedat Ismajli is not a prejudice on this matter and does not deny the right of the complainant to submit another complaint on these grounds, upon the announcement of final results by CEC.

After the announcement of the results by CEP the complainants, in accordance with Article 105 of Law on General Elections can submit their complaints within 24 hours upon the announcement.

Based on the abovementioned reasons and according to Article 118.1of LGE “ *The ECAP shall accept a complaint that is well-grounded and dismiss a complaint that does not meet this standard*’ and Article 6.4 of Rules and Procedures of ECAP which provides that :’ *The complaints which are impermissible and belated will be dismissed by ECAP by a decision*”., concerning the complaint mentioned above, it was decided as in the enacting clause of this decision.

**Elections Complaints and Appeals Panel**  
**A.no. 367/2019 dated on 10.10.2019**

Gyltene Sylejmani, **Chairperson**  
*(signed & stamped)*

**Legal remedy:** *No appeal is allowed against this decision.*