

## **DECISION**

### **of Central Election Commission of the Republic of Azerbaijan**

#### **on consideration of the appeal # 152 submitted to the Central Election Commission on November 9, 2015 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015**

In his written apply addressed to the Central Election Commission on November 9, 2015, Mansurov Rashid Mirajdar, registered candidate on Nasimi second Con.EC # 22 claimed that candidates were not provided with unequal opportunities for pre-election campaign, there were law violations in some polling stations on the voting day, the appeal on that filed by him to the Con.EC had not been examined properly and challenged the Con.EC decision # 18/68, dated November 7, 2015 requesting to annul that decision and to regard the voting results that Con.EC as invalid.

The complaint was adopted for the implementation in comply with Articles 112 and 112-1 of the Election Code of the Republic of Azerbaijan and "Instruction on the rules for submission and investigation of the appeals and complaints filed to the Central Election Commission of the Republic of Azerbaijan and Constituency Election Commissions", relevant opinion was provided on this issue by a member of the Expert Group under CEC and considered at the Commission session upon the investigation of the appeal by the Expert Group member.

R.M.Mansurov substantiated his complaint on the grounds that he had not been facilitated to conduct pre-election campaign, thus violating his right as a candidate, the observers representing his interests compiled acts upon the observation of not checking voters' thumbs with ultraviolet lamps in the polling stations # 4, 6, 7, 8, 9, 11, 13, 14, 15, 16, 17, 18, 19, 20, 22, 24, 25, 27 and 28 of Nasimi second Con.EC # 22 on the voting day, not marking their thumbs with ink, impossibility to observe the voting process due to the illegal obstacles for the observation process formed by the PEC members, revealing the persons not included in the voters' list to have participated in the voting, multiply voting, voting in place of another person, issuing ballot paper to the persons who had not presented ID cards, mass cutting of ballot corners by some PEC chairmen, impossibility of conducting observation, strict violation of the rules for abiding by transparency principles during the vote calculation, nor providing them with the protocol copies and other cases.

During the investigation process, the registered candidate to deputy who had appealed was contacted and informed on his rights to submit additional documents and materials, also to participate in the investigation and session, also submitted the originals of the acts compiled on the voting day and a video disc. The participation of the candidate at the CEC session was provided.

The reference provided by the Con.EC shows that full and equal opportunities were formed to conduct pre-election campaign within that election constituency and registered candidates on the Con.EC could hold meetings with voters in different time periods freely. This case was also verified by the affidavits of registered candidates Hajiyev Rahib Safarali and Hasanov Vusal Shukur.

It was determined that the Con.EC has not received any appeal on the law violations filed by plaintiff R.M.Mansurov and other persons.

The followings were determined as a result of the investigation of the law violations on the polling station # 19, claimed by the plaintiff.

Observers who had observed in the polling station # 4 - S.S.Abbasov, U.Z.Osmanova, V.M.Mirzayev, S.A.Guliyev, PEC chairman Z.L.Nabiyeva and member T.H.Ibrahimova, observers who had observed in the polling station # 6 - Z.Shikhnabiyeva, S.Dadashova, L.Zeynalova, PEC members S.S.Aghayeva and M.A.Heydarova, observers who had observed in the polling station # 7 - T.Zamanli, E.Abdurahmanov, M.Abbasova, PEC chairman O.I.Huseynova and member Z.V.Sardarov, observers who had observed in the polling station # 8 - A.A.Guliyev, T.A.Akchay, PEC secretary G.Y.Karimova and member N.G.Aghalarov, observers who had observed in the polling station # 9 - I.Meybullayev, I.K.Hasanova, PEC chairman S.Y.Maharramov, commission member A.B.Abdullayeva, observers who had observed in the polling station # 11 - B.M.Hajiyeva, H.M.Osmanov, T.I.Ahmadova, N.M.Chaltikov, PEC chairman M.A.Chaltikov and commission member V.H.Huseynov, observers who had observed in the polling station # 13 - K.K.Badalova, E.H.Karimli, N.T.Bayramov, PEC chairman S.A.Mammadova and commission member I.R.Mammadov, observers who had observed in the polling station # 14 - H.R.Afandiyev, G.M.Alyeva, N.J.Khalilov, PEC chairman F.Zeynalova, commission members P.F.Mammadov and R.F.Gasimova, observers who had observed in the polling station # 15 - A.N.Imanov, B.M.Hajiyeva, I.M.Hasanov, PEC chairman I.I.Zeynalova, commission secretary E.H.Rasulzadeh, observers who had observed in the polling station # 16 - M.M.Hasanli, Kh.H.Karimov, S.I.Alakbarova, PEC chairman S.N.Namazova, commission member F.A.Nuraddinova, member with consultative voting right of the PEC # 17 - M.A.Aliyev, observer B.H.Baghirova, PEC chairman G.O.Ibrahimov and secretary Z.G.Karimova, member with consultative voting right of the PEC # 18 - A.N.Mammadov, observer N.B.Asgarova, PEC chairman M.T.Gasimov, commission member L.M.Guliyeva, observers who had observed in the polling station # 19 - Z.N.Gurbanova, G.M.Huseynov, PEC chairman K.H.Tanriverdiyeva, commission member R.Kh.Mammadova, observers who had observed in the polling station # 20 - A.N.Gurbanova, Sh.H.Heydarova, G.A.Ibrahimkhalilova, PEC chairman N.A.Ahmadov and commission member S.T.Jafarova, observers who had observed in the polling station # 22 - S.Rafiyev, V.Karimov, A.Baghirova, PEC secretary S.Sh.Jafarova and commission member M.M.Valiyev, observers who had observed in the polling station # 24 - T.B.Baghirova, N.A.Gasimov, A.M.Asgarov, PEC chairman K.A.Gadirova and PEC secretary I.R.Ismayilzadeh, observers who had observed in the polling station # 25 - Y.B.Mehdiyeva, H.V.Bashirova, R.A.Abbasov, PEC chairman G.Sh.Bayramli and commission member G.N.Akhundova, observers who had observed in the polling station # 27 - Sh.Abbasli, B.Badalova, S.Yusifova, PEC chairman S.A.Hummatova and commission member A.A.Nuriyev, observers who had observed in the polling station # 28 - Z.F.Najafov, T.Sh.Khudurov, PEC chairman S.A.Nabiyev, commission members M.N.Naghiyev and B.M.Safarov informed basing on the acts and affidavits that the processes of the voting and vote counting was conducted in comply with legal requirements, not any serious law violations did not take place during that period, the observation process was not interfered in, the PEC chairman or the members did not show pressure on them or other observers, the protocol copies were provided to the

entitled persons, and generally, not any law violation was recorded in the polling station on the voting day. Those affidavits and acts include the cases on the efforts made by the observers and members with consultative voting rights appointed by candidate R.M.Mansurov to obstruct the normal working process of the relevant PECs.

Since the video disc added to the appeal has not been submitted in a relevant manner, it cannot be assessed as an evidence.

It was also determined during the investigation that on November 4, 2015 candidate R.M.Mansurov appealed to the Con.EC on the law violations supposed to have been committed in the polling stations on the voting day and that appeal was considered by the commission within the manner and time period defined by law and a grounded decision was adopted on that.

Adopting the above-mentioned as basis, the appeal of the plaintiff shall not be implemented due to groundlessness and the Con.EC decision # 18/68, dated November 7, 2015 shall be remained enforced without any changes.

Taking the above mentioned as a basis, pursuant to Articles 19.4, 28.2, 112 and 112-1 of Election Code of the Republic of Azerbaijan and item # 1, 2, 4, 6 and 7 of the "Instruction on the rules for submission and investigation of the appeals and complaints filed to the Central Election Commission of the Republic of Azerbaijan and Constituency Election Commissions", the Central Election Commission **decides**:

1. The appeal # 152 of Mansurov Rashid Mirajdar, registered candidate on Nasimi second Con.EC # 22, dated November 9, 2015 shall not be implemented due to groundlessness and the Con.EC decision # 18/68, dated November 7, 2015 shall be remained enforced without any changes.
2. The decision shall be enforced upon its publication.

CEC Chairman

Mazahir Panahov

CEC Secretary

Arifa Mukhtarova

CEC Secretary

Mikayil Rahimov