

DECISION

of Central Election Commission of the Republic of Azerbaijan

on consideration of the appeals # 157 dated November 10, 2015 and # 176 dated November 12, 2015 submitted to the Central Election Commission in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015

In his written applies addressed to the Central Election Commission on November 10 and 12, 2015, Shahvaladov Mazahir Safar, registered candidate on Ismayilli Con.EC # 86 claimed that candidates were not provided with equal opportunities for pre-election campaign, challenged the decision # 31/82 of that Con.EC, dated November 6, 2015 requested to annul that decision, to investigate the appeal on the substance, to annul voting results of some polling stations on that election constituency and to regard the voting results that Con.EC as invalid.

The complaints were 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”, summarized in one implementation upon informing the Group coordinator due to the same substance and content, relevant opinion was provided on this issue and considered at the Commission session.

The candidate demanded in his appeals to annul voting results of polling stations # 2, 4, 5, 6, 8, 9, 10, 18, 22, 25, 26, 30, 34, 35, 36, 39, 42, 43, 45, 46, 47, 48, 49, 50, 51, 52, 53, 55, 59, 60, 62 and 66 of Ismayilli Con.EC # 86 and voting results on election constituency by indicating not checking voters' thumbs with ultraviolet lamps in the above-mentioned polling stations on the Voting Day, not marking their thumbs with special ink, impossibility to observe the voting process due to the illegal obstacles for the observation process formed by the PEC members, impossibility of conducting normal observation, 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, strict violation of the rules during the vote calculation and documentation process of voting results.

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. He was participated in the investigation process of the Central Election Commission on November 12, 2015, and submitted original acts compiled on the Voting Day.

The plaintiff submitted act on law violations on the Voting Day made only in the polling stations # 2, 18 and 55 out of 32 polling stations that claimed in the appeal. During the investigation process was defined that those acts were in the same substance and content, and were not prepared in accordance with the relevant rules. Therefore,

evaluation of above-mentioned acts as a source of reliable evidence during the investigation of appeal was impossible. As well as, the plaintiff informed that he did not have other document and material which justify law violations that claimed by him in the appeal. Since 7 discs attached to the appeal were not submitted in accordance with the established rules, they cannot be regarded as evidence.

The plaintiff also informed in his appeal that the police intervened in the activities of observers appointed by him in the polling stations # 35 and 45. The claimed law violation was not justified by affidavits of chairmen of above-mentioned PECs, other observers who had observed elections there and the chief of police office of that region.

Observer who had observed in the polling station # 2 - T.Ch.Bayramov, PEC chairman V.H.Rahimov, observers who had observed in the polling station # 4 - D.M.Eminova, G.A.Aliyeva, PEC member A.T.Aliyev, observer who had observed in the polling station # 5 - N.B.Hajiyev, PEC chairman R.E.Mammadov, PEC chairman of the polling station # 6 - İ.E. Babayev, observer who had observed in the polling station # 8 - Sh.B.Osmanov, PEC chairman of the polling station # 9 - A.S.İsgandarov, observers who had observed in the polling station # 18 - A.M.Abbasov and G.B.Jabiyeva, PEC chairman of the polling station # 30 - E.Sh.Badalov, observers who had observed in the polling station # 34 - E.Z.Aliyev, R.L.Allahverdiyev and A.A.Panahov, PEC chairman Y.R.Baghirov, commission member A.B.Abdullayeva, observers who had observed in the polling station # 35 - F.E.Badalov and R.S.Mammadova, PEC chairman E.R.Ahmadov, PEC chairman of the polling station # 36 - I.Jidkov, observers who had observed in the polling station # 45 - I.M.Shiraliyev, S.G.Salimov and B.Mammadov, PEC chairman A.H.Mammadov, commission secretary R.A.Zarbaliyev, PEC chairman of the polling station # 49 - N.S.Aydinov, observer who had observed in the polling station # 53 - Kh.M.Seyidov, PEC chairman G.R.Huseynov, PEC chairman of the polling station # 55 - A.D.Mirzaliyev, observer who had observed in the polling station # 59 - V.Hamidov, PEC member U.A.Aghazada, PEC chairman of the polling station # 60 - Z.F.Muradov, observer who had observed in the polling station # 66 - Kh.Gambarov, PEC secretary I.H.Huseynov on the Ismayilli Con.EC # 86, also numerous observers representing various political parties and interests have denied alleged violations by compiled acts and affidavits. Thus, they informed that the processes of the voting and vote counting was conducted in comply with legal requirements, not any serious law violations took 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.

The reference provided by the Con.EC and affidavits submitted by Kh.K.Gurbanova and R.S.Nuriyev, candidates registered on that Con.EC shows that, full and equal conditions for conduction of pre-election campaign in the territory of constituency were provided, informative letter regarding to pre-election campaign for conducting meetings in "outdoor and indoor" places was submitted to every registered candidate, at the same time the plaintiff M.S.Shahvaladov had also widely used this opportunity.

It was defined that, any appeal on law violations in the period of pre-election campaign, also on the Voting Day by M.S.Shahvaladov or other persons was not submitted.

In his affidavit R.S.Gahramanov, who was appointed by the plaintiff M.S.Shahvaladov and observed the elections in the polling station # 45 noted that, not any law violations took place during the vote counting and completion of protocols on voting results by PEC, and he received a copy of the approved protocol.

It was also determined during the investigation that, on November 4, 2015 the candidate M.S.Shahvaladov 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.

Basing on the above-mentioned, the appeal shall be partly implemented in the part on investigation of appeal on the substance and shall not be implemented in the other part due to groundlessness, the Con.EC decision # 31/82, dated November 6, 2015 shall be remained in force 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 appeals # 157 dated on November 10, 2015 and # 176 dated on November 12, 2015 submitted by Shahvaladov Mazahir Safar, registered candidate on Ismayilli Con.EC # 86 in the elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015 shall be partly implemented in the part on investigation of appeal on the substance.
2. The decision # 31/82 of the Con.EC dated November 6, 2015 shall be remained in force without any changes and appeals in the other part shall not be implemented due to groundlessness.
3. The decision shall be enforced upon its publication.

CEC Chairman

Mazahir Panahov

CEC Secretary

Arifa Mukhtarova

CEC Secretary

Mikayil Rahimov