

DECISION

of Central Election Commission of the Republic of Azerbaijan

on consideration of the appeal # 171 submitted to the Central Election Commission on November 11, 2015 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015

In her written apply addressed to the Central Election Commission on November 11, 2015, Rzayeva Ilhamiya Faig, candidate nominated on her own initiative and registered on Yasamal third Con.EC # 17 challenged the decision # 23/67 of that Con.EC, dated November 6, 2015, required to annul that decision, to make a decision on 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.

In her appeal I.F.Rzayeva challenged the voting results on the polling stations # 4, 5, 6, 7, 9, 12, 14, 15, 17, 18, 19, 22, 23, 24, 27 and 28, claimed on multiply voting, ballot stuffing, issuing to the voter more than one ballot papers, impossibility of conducting normal observation, there was a large discrepancy between the number of the voters who had participated in the voting and the number of ballot papers after the voting.

During the investigation process, the registered candidate to deputy who had appealed was contacted and informed on her rights to submit additional documents and materials, also to participate in the investigation and session. The participation of plaintiff in the investigation process and session of the Central Election Commission was provided.

It was determined through the investigation that, the detailed examination of the appeal of the candidate I.F.Rzayeva was conducted by the Con.EC, her participation in the examination process was provided, she also familiarized with the affidavits of the relevant persons and other documents related with investigation. In the appeal was noted that, the violations that claimed did not take part in the polling stations mentioned by the plaintiff by the acts and affidavits compiled by numerous observers, who observed in the 17 polling stations representing different interests on the Voting Day, protocols on voting and voting results were compiled in comply with legal requirements, protocols were compiled in the polling station and the copies of those protocols were submitted to the interested election subjects. During the investigation process, the cases indicated in the appeal of the candidate has been refuted by the numerous acts and affidavits provided by above-mentioned election subjects and commission members of PEC representing different political forces. Due to the affidavits of PEC chairman of the polling station # 4 - K.I.Abidi, commission secretaries M.SH.Hajiyeva, I.Y.Hajiyev,

commission members Sh.M.Nematova, M.A.Salimov, N.M.Najafzada, observers T.B.Ibrahimova, V.V.Jalilova, U.A.Ibadova and others, PEC chairman of the polling station # 5 - S.Sh.Yusifova, commission secretaries M.H.Huseynov, P.R.Nabiyev, commission members T.S.Shikhaliyeva, F.B.Gurbanova, O.H.Hajiyev, observers S.M.Salamova, S.M.Aliyeva, A.N.Gahramanli and others, PEC chairman of the polling station # 6 - T.B.Aliyeva, commission secretaries N.I.Aliyeva, S.T.Rzayev, commission members N.T.Aghayeva, Y.N.Khidirova, F.M.Mustafayev, observers E.V.Tofigi, E.Z.Eyvazov, A.T.Azizov and others, PEC chairman of the polling station # 7 - N.M.Hasanova, commission secretaries G.A.Dunyamaliyeva, M.T.Rustamova, commission members K.H.Naghiyeva, M.A.Asadova, S.J.Yagubova, observers A.A.Rahimov, A.G.Ismayilov, J.R.Hummatov and others, PEC chairman of the polling station # 9 - A.J.Muradova, commission secretaries N.H.Masmaliyeva, K.E.Musayev, commission members Z.A.Guliyeva, R.A.Salamov, L.Kh.Hashimova, observers H.K.Ibrahimov, N.N.Seyidov, N.N.Mahyaddinov and others, PEC chairman of the polling station # 10 - A.N.Huseynova, commission secretaries D.M.Safarova, S.A.Abbasova, commission members Z.A.Arslantash, R.A.Nasirov, T.A.Dadashov, observers S.A.Gasimova, A.Sh.Samadzada, Z.Y.Sadigova and others, PEC chairman of the polling station # 12 - B.B.Aghayeva, commission secretaries G.A.Abdullayeva, G.S.Dadashova, commission members Q.Kh.Imanbayeva, G.S.Yusifova, N.R.Mammadova, observers H.K.Guliyeva, R.T.Orujova, G.I.Garayeva and others, PEC chairman of the polling station # 14 - R.M.Talishkhanova, commission secretaries M.Kh.Akhundova, H.A.Gurbanov, commission members M.M.Mammadov, I.A.Huseynov, A.M.Janiyev, observers H.N.Ahmadov, Sh.A.Ganbarova, A.I.Rzayeva and others, PEC chairman of the polling station # 15 - Sh.O.Feyzullayeva, commission secretaries K.J.Huseynova, L.O.Azimova, commission members T.N.Mammadov, N.B.Mammadzada, T.S.Garayeva, observers E.E.Aliyev, R.I.Rustamov, R.A.Nasirov and others, PEC chairman of the polling station # 17 - H.M.Huseynova, commission secretaries V.H.Garayev, F.P.Ahadov, commission members K.R.Huseynova, A.A.Rustamova, Z.F.Manguliyeva, observers M.A.Bayramova, L.E.Rustamova, K.B.Huseynov and others, PEC chairman of the polling station # 18 - D.F.Baghirova, commission secretaries Q.P.Mammadov, H.A.Shikhaliyeva, commission members M.U.Rahimova, A.N.Javanshirova, E.I.Rafiyev, observers A.G.Aliyev, Ch.K.Javanshirova, S.Sh.Mansurov and others, PEC chairman of the polling station # 19 - M.A.Ahmadova, commission secretaries S.A.Samadova, Z.A.Adishirinova, commission members Ch.Z.Abdullayeva, G.T.Sadigzada, I.Y.Mammadova, observers F.D.Jalilova, Kh.A.Gasimov, K.I.Bilbilayeva and others, PEC chairman of the polling station # 21 - M.Z.Aliyeva, commission secretaries A.I.Mazanova, S.A.Khalilova, commission members S.I.Huseynova, R.A.Rzayeva, A.J.Ibrahimova, observers E.N.Mahmudov, R.M.Karimov, R.M.Ahmadov and others, PEC chairman of the polling station # 22 - S.B.Nasirova, commission secretaries F.Kh.Mammadzada, G.N.Sadigova, commission members A.S.Maharramova, R.F.Shirinova, N.A.Babayev, observers M.M.Guliyev, V.A.Mirzayev, A.Sh.Hasanov and others, PEC chairman of the polling station # 23 - A.A.Hasanova, commission secretaries A.S.Babayev, N.M.Amirova, commission members R.Q.Gocayeva, U.G.Aghayeva, N.H.Gurbanova, observers V.N.Muradova, G.F.Aliyeva, R.A.Hajiyeva and others, PEC chairman of the polling station # 24 - S.F.Bakirova, commission secretaries P.F.Bakirzada, M.V.Najafov,

commission members N.S.Aghayeva, L.A.Aghayeva, S.M.Mirzayeva, observers Sh.A.Hasanova, S.M.Huseynova, Sh.S.Bayramova and others, PEC chairman of the polling station # 25 - L.T.Salimkhanova, commission secretaries V.Q.Zamanova, J.S.Mammadova, commission members R.A.Hasanov, N.M.Aliyeva, R.M.Suleymanova, observers A.T.Asadov, Y.Z.Fatullayeva, F.N.Shamsizada and others, PEC chairman of the polling station # 26 - H.M.Tahirov, commission secretaries Kh.A.Ismayilova, D.S.Aliyeva, commission members G.S.Rizayeva, N.Y.Jabbarov, M.N.Gasimova, observers E.J.Manafova, G.S.Allahverdiyeva, Sh.M.Talibova and others, PEC chairman of the polling station # 27 - D.A.Huseynova, commission secretaries T.O.Jafarova, A.R.Ibrahimova, commission members Sh.O.Safarova, K.M.Isgandarova, L.A.Majidova, observers S.T.Valiyeva, B.R.Baghirova, Q.Sh.Rzali and others, PEC chairman of the polling station # 28 - S.M.Bayramova, commission secretaries S.A.Nazarova, Sh.R.Nazarova, commission members R.G.Seyidov, A.S.Gurbanova, T.M.Safarova, observers A.N.Hamidova, R.B.Niftaliyev, Sh.M.Hajizada and others involved to the investigation, the process of the voting was conducted in comply with requirements of the Election Code, the observation process was not interfered in, their participation during vote counting was provided and thus, no violation of the law was approved.

As a result of a comprehensive and objective investigation, the Con.EC concluded correctly on refusal to implement of complaint of the candidate I.F.Rzayeva.

The investigation on 56 acts compiled on cases of the alleged violation of the election law in the above-mentioned polling stations on the Voting Day was conducted with participation of the plaintiff and commitment of the cases indicated in the appeal was not justified. It was also defined that, existing acts were not compiled in comply with requirements of the Election Code.

Basing on the above-mentioned, since the legal grounds for implementation of complaint and cancellation of decision of the Con.EC were not determined, the appeal shall not be implemented due to groundlessness and the decision # 23/67 of Yasamal third Con.EC # 17, 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 appeal # 171 submitted by Rzayeva Ilhamiya Faig, candidate nominated on her own initiative and registered on Yasamal third Con.EC # 17 on November 11, 2015 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015 shall not be implemented due to groundlessness and the decision # 23/67 of that Con.EC dated November 6, 2015 shall be remained in force without making amendments.
2. The decision shall be enforced upon its publication.

CEC Chairman

Mazahir Panahov

CEC Secretary

Arifa Mukhtarova

CEC Secretary

Mikayil Rahimov