

DECISION

**of Central Election Commission of the Republic of Azerbaijan
on consideration of the appeal # 107 submitted to the Central Election
Commission on October 26, 2015 and appeal # 81 submitted on October 10, 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 October 26, 2015, Vidadi Isgandar Isgandarov registered as a candidate to deputy on Goychay-Aghdash Con.EC # 89 requested postpone elections on the same constituency election commission basing on that he could not conduct election campaign for the following reasons: creation of illegal obstacles on waging of his campaign and non-creation of opportunities for waging of campaign in one part of the mentioned constituency election commission in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015.

The appeals 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 filing appeals and complaints to the Central Election Commission and Constituency Election Commissions of the Republic of Azerbaijan and their consideration”, 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.

The applicant substantiated his appeal on that obstacles were created especially in order to impede his campaign and it was impossible to conduct campaign in the same parts of Con.EC because the relevant places (in one part of Con.EC where he was nominated) was not provided for meeting with voters by the appropriate bodies of executive power. Along with that, he noted that conduction of meetings is possible only by permission of local executive power, as well as he shot the chairman of the ConEC when the last made an illegal explanation to him. Additionally on October 10 and 13 of the present year he was arrested by police during meeting with voters. Generally, places were provided by executive power for meeting with voters and this fact was estimated by the applicant as interference in elections.

During investigation, it was kept in touch with candidate nominated to deputy and he was informed on his rights to submit additional documents and materials, participate in session and investigation, his participation in session of The Central Election Commission was ensured. Additional documents and materials were not submitted by him.

In order to conduct election campaign in places determined beforehand and additionally in other places presented by Con.EC, the following are seen from the meeting schedule of voters: for the conduction of meeting in the territory of the same Con.EC in the existing residential areas (totally 33 residential areas) complete opportunities were created and candidates registered on election constituency independently held meetings in various period of time in the same places. The above-mentioned case was confirmed by explanation of the following registered candidates: Vagif Aziz Babayev, Ilgar Veyis Azimov, Namig Mahmud Hajili, Abdulla Majid Hashimov, Shahid Baloghlan Karimov, Elman Khudam Nasirov and Rovshan Nuraddin Sharifov.

The following are seen from the explanation of Con.EC chairman: all conditions, without applying to additional bodies (although it was considered pursuant to the Article # 86.2 of Election Code) were created for conduction of election campaign by candidates registered on Goychay-Aghdash Con.EC # 89 and any appeal on law violation during the period of election campaign were not submitted to the Constituency Election Commission.

Pursuant to the Article 86.2 of Election Code, the appeal on providing areas for conduction of meetings of registered candidate, political party, blocs of political parties, its authorized representatives with voters are considered by the relevant executive power bodies in accordance with the laws of the Republic of Azerbaijan.

Goychay Region Police Department submitted a letter # 5/8215, on October 10, 2015. The following are seen from the letter: candidate V.I. Isgandarov met with 10-15 persons in regional bus terminal and the police workers in the same territory did not interference to that process, the candidate was not arrested and taken to the police department. The fact of non-interference is confirmed by written explanation of 3 persons who were in the same meeting.

At the same time, the following is seen from the letter # 5/8322 submitted by the same police department on October 13, 2015: information regarding illegal pressure on candidate by unknown persons in connection with pre-election campaign was immediately investigated and the same case was not being confirmed.

Concerning the explanation on conduction of campaign in additional places, besides places of meeting defined beforehand by the executive power and the illegal explanation of a Con.EC chairman on limiting the opportunities of a candidate it is necessary to note that this requirement thoroughly corresponding to the requirements of the Article 86.2 of Election Code of the Republic of Azerbaijan and did not influenced on limiting candidate rights at any form.

Thus, candidate applied to the Con.EC for taking general information but not for the carrying out of the meeting. The candidate did not have will to conduct election campaign. It is seen from video materials presented by him (but these evidences did not have evidential importance) and his speech in Central Election Commission. The opportunities (for using created conditions in the frame of pre-election campaign) given to him were equal as for other candidates.

Two video disks added to the appeal as evidence and shot non-procedurally (the manner and rule of shooting, conduction of shooting by a person in some place, origin, pertain to the investigated materials), may not be used as grounds cause it has no evidential importance.

At the same time, in order to conduct meeting of a candidate with voters by the local executive power, division of places were not considered to be interference to the elections.

Pursuant to Articles # 86.3 of Election Code, venues (buildings, rooms) which are suitable for holding meetings with voters and which are owned by the state or municipalities shall be provided free of charge by their owners, at the times agreed to by registered candidates, political parties, the authorized representatives of blocs of political parties, their agents, and the election commission. If a venue (building, room) is allocated to one of registered candidates, political parties, bloc of political parties for conducting pre-election campaigning, the owner may not refuse to allocate the same

venue (building, room) with the same conditions to another candidate, political party, bloc of political parties, or referendum campaign group. Election commissions shall create equal conditions for the registered candidates, political parties, and blocs of political parties to conduct pre-election campaigning using mass actions.

Pursuant to the above-mentioned, the appeal of the applicant was groundless and invalid, thus it shall not be implemented.

Taking the above mentioned as a basis, pursuant to Articles 19.4, 28.2, 112, 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 # 107 (dated October 26, 2015) submitted by Vidadi Isgandar Isgandarov, candidate registered on Goychay-Aghdash Con.EC # 89 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015 shall not be implemented due to the groundlessness.

2. The decision shall be enforced upon its publication.

CEC Chairman

Mazahir Panahov

CEC Secretary

Arifa Mukhtarova

CEC Secretary

Mikayil Rahimov