

DECISION

of Central Election Commission of the Republic of Azerbaijan

on consideration of the appeal # 111 submitted to the Central Election Commission on October 28, 2015 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015

In their written apply addressed to the Central Election Commission on October 28, 2015, in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015, Aliyev Ali Nadir, candidate registered on Yasamal first Con.EC # 15 and others challenged decision # 27/65 of the Con.EC dated October 26, 2015, on complaint related with conduction of illegal pre-election campaign by Guliyev Ulvi Zahid, registered candidate on that Con.EC, asked for taking appropriate action for cancellation of that decision and registration of U.Z.Guliyev as a candidate.

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.

The applicants substantiated their appeal on the grounds that, edition, printing history, customer's name and requisites of the printing office that printed campaign material of U.Z.Guliyev, registered candidate on Yasamal first Con.EC # 15, distributed on polling stations # 10 and 11 of that Con.EC were not mentioned in the campaign material, the campaign material of the candidate was glued on the front window of the administrative building of the post office # 138 at the address A.M.Sharifzada street No. 203 "V" and the candidate held a meeting with voters in the polling station # 4 on October 19, 2015.

During the investigation process the candidates was contacted, informed on the rights to submit additional documents and materials, also to participate in the investigation and session, their participation in the investigation and session of the Central Election Commission was provided.

During the investigation process was defined that, the Con.EC was received the same appeals of A.Aliyev and N.Mehdiyev, candidates registered on that Con.EC, dated on October 23 and October 25, 2015, commission reviewed these appeals in a defined manner and time period, during the investigation the claiming violations were not justified and the complaint was not implemented due to groundlessness.

During the investigation process of submitted materials was defined that, the claims on lack of information on organizations' name that prepared and ordered to prepare campaign material of U.Z.Guliyev, registered candidate on Yasamal first Con.EC # 15,

edition and release date in the campaign material distributed on polling stations # 10 and 11 of that Con.EC were not justified.

The candidate submitted full details of pre-election campaign materials and their examples, information on the addresses of organizations that ordered and prepared these materials to the Con.EC previously.

It is seen from the explanations of the Chairman of the Con.EC, the head of the post office # 138 I.Kalantarov and the candidate U.Z.Guliyev that, the candidate appealed to the Con.EC immediately after being informed on campaign material of U.Z.Guliyev glued on the front window of the administrative building of that post office, commission took appropriate action for withdrawal of that campaign material from there.

Pursuant to Articles # 87.3 and 87.4 of Election Code, printed and audiovisual pre-election campaign materials should contain information on the company that produced it, the organization which ordered the company to produce it, the number of issues and the date of production and a registered candidate, political party, bloc of political parties should submit detailed information to the election commission on printed pre-election campaign materials or their copies, and the addresses of organizations that ordered and produced such materials.

It was defined through the investigation that, the polling station # 4 of Yasamal first Con.EC # 15 is located in the Basic Medical College # 2 which is in the territory of that Con.EC. It is seen from the explanations and submitted other materials on this issue of the Chairman of the precinct election commission S.S.Zeynalova, commission members G.A.Jafarova, A.B.Vakilova, J.A.Muradova, M.N.Karimova and N.Q.Alasgarova that, the candidate U.Z.Guliyev did not hold a meeting with voters in that polling station and photos and video footage distributed in the social network refer to a meeting of a candidate with voters in other place.

Pursuant to Articles # 86.3 and 86.4 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. Registered candidates, political parties, and blocs of political parties shall have the right, regardless of the form of ownership, to lease, based on a contract, buildings and rooms owned by citizens and organizations, in order to hold meetings and discussions with voters, and conduct other pre-election mass activities.

It was defined that, the Con.EC had a correct conclusion on adoption of argued decision, the legal grounds for taking appropriate action for cancellation of that decision and registration of U.Z.Guliyev as a candidate was not appeared.

Basing on the above-mentioned, the complaint shall not be implemented due to groundlessness and the decision # 27/65 of Yasamal first Con.EC # 15, dated October 26, 2015 shall be remained in force without making amendments.

Taking the above mentioned as a basis, pursuant to Articles 19.4, 28.2, 86, 87, 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 # 111 submitted by Aliyev Ali Nadir, candidate registered on Yasamal first Con.EC # 15 and others on October 28, 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 # 27/65 of that Con.EC dated October 26, 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