

DECISION

of Central Election Commission of the Republic of Azerbaijan

on consideration of the appeals # 147, dated November 7, 2015, # 149 and 150, dated November 8, 2015, # 153, dated November 9, 2015 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015

Regarding the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015, on November 7, 2015 Agha-zadeh Iqbal Fehruz, registered candidate nominated by Hope Party on Khatai third Con.EC # 35 and on November 8 and 9, 2015 Aghazadeh Anvar Serdar, authorized representative of that party and Huseynova Sona Sultanovna, member of Khatai third Con.EC # 35 appealed to the Central Election Commission requesting to annul the voting results on the polling stations # 17, 18 and 26 of the election constituency, to re-count the votes on that election constituency, to annul the relevant Con.EC decisions, dated November 6, 2015 on the annul of the voting results on the polling stations # 5, 10 and 11 and to clarify the annulment of the voting results on those polling stations.

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, as well as, the direct and grounded relation to the consequences rooted from the relevant decision of the political party that had nominated the plaintiffs on the refusal from participation in elections, investigated through considering the substance and date of filing the complaints, relevant opinion was provided on this issue by a member of the Expert Group under CEC and considered at the Commission session.

Registered candidate I.F. agha-zadeh points out in his appeal that the vote counting and tabulation process in some polling stations had been conducted as contrary to Article 106 of the Election Code on the voting day and the observers had not been provided a copy of the voting results protocols. There was a serious discrepancy between the number on the voters' turnout on the polling stations # 17, 18 and 26, included in the protocol and the indicators of the website of the Central Election Commission. Therefore, they requested to annul the voting results on those polling stations, to re-count the votes on the election constituency and to re-compile the final protocol.

A.S.Aghazadeh, authorized representative of Hope Party indicates in his appeal that his participation was not provided in the investigation and session held by the Con.EC regarding his appeal on the re-count of the votes on Khatai third Con.EC # 35 due to committing some law violations in the vote counting in the polling stations of that election constituency, that he had not been required any evidences and his appeal was not implemented without any reason by the decision of the Con.EC, dated November , 2015. Due to that reason, he requested to annul that decision of the Con.EC and adopt a decision on re-count of the votes on all the polling stations of the election constituency, meanwhile, to challenge and annul the relevant decisions of the Con.EC

on the cancel of the voting results on the polling stations # 5, 10 and 11 and to adopt a decision on adopting the preliminary results on the polling stations as a basis.

Huseynova Sona Sultanovna, member of the Con.EC requested in her appeal to clarify the information on the annul of the voting results on the polling stations # 5, 10 and 11 of Khatai third Con.EC # 35, which had been posted on the website of the Central Election Commission.

The applicant candidate to deputy and authorized representative were contacted during the investigation process and explained of their rights to submit additional documents and materials, also to participate in the investigation and session. The candidate to deputy submitted additional documents and copies of the voting results protocols and it was informed that the authorized representative would participate in the investigation and session. Authorized representative A.S.Aghazadeh took part in the investigation and session.

It was determined through the investigation that the appeal of I.F.Agha-zadeh, candidate to deputy, filed to the Central Election Commission regarding the committing violations in the compilation of the voting results protocols on the polling stations 17, 18 and 26 of the Con.EC and the annul of the voting results on those polling stations was sent to Khatai third Con.EC # 35 on destination by the decision # 42/300 of the Commission, dated November 5, 2015, a decision was adopted to re-calculate the votes on the polling stations 17, 18 and 26 by the Con.EC decision # 35, dated November 7, 2015 and as a result of re-calculating the votes, the appeal was implemented partly by the Con.EC decision # 36, dated November 7, 2015 and the voting results on the polling stations # 18 and 26 were regarded as invalid, since the results determined after re-calculating the votes on the polling station # 17 by the decision # 37, dated November 7, 2015 coincided with the previous results, the protocol compiled regarding the re-calculation of the votes was approved. Those decisions were not complained of. As it is evident, the request included in the existing appeal by I.F.Agha-zadeh was investigated and a relevant decision was adopted. Therefore, the appeal shall be terminated to be investigated in that part.

During the investigation process the candidate to deputy I.F.Agha-zadeh submitted 61 ballot papers to the polling station # 21 of the Con.EC. It should be stated that not any document was presented regarding when and under which conditions those ballot papers had been obtained. It was informed verbally that they had been got on the voting day and the service # 102 of the Ministry of Interior Affairs had been informed on that. As the lack of those ballot papers were not reflected in the voting results protocol on the polling station # 21, which had been reviewed upon getting from the Con.EC for investigation, the voting results on that polling station shall be regarded as invalid.

During the investigation it was determined basing on the relevant Con.EC decisions on the annul of the voting results on the polling stations # 5, 10 and 11 that it was decided to re-calculate the votes on the polling station # 5 basing on the complaint filed by Mammadov Adigozal Nuru, registered candidate from Great Creation Party and Ali Gurban Jafarov, authorized representative of Azerbaijan Democratic Reforms Party, on

the polling station # 10 basing on the complaint filed by Huseynov Maharram Baghir, registered candidate from and Ahmadov Namig Lutvali, authorized representative of Great Creation Party, on the polling station # 11 basing on the complaint filed by Hasanli Intigam Soltan, registered candidate from Azerbaijan Democratic Reforms Party and Bayramov Ulvi Asgar, authorized representative of Motherland Party and as a result of re-calculating of the votes, by the Con.EC decision # 29, dated November 5, 2015 the voting results on the polling station # 5 and by the Con.EC decisions # 32 and 34, dated November 6, 2015 the voting results on the polling stations # 10 and 11 were considered invalid.

As any legal grounds have not been determined through the investigation to annul the decisions of the Con.EC on re-calculating the votes on the foregoing polling stations and regarding the voting results as invalid, any grounds were not found to implement the appeal of the authorized representative A.S.Aghazadeh on the annul of those decisions. Therefore, the appeal of the authorized representative on that issue shall not be upheld due to groundlessness. Meanwhile, another appeal of the authorized representative shall also be not implemented due to the absence of efficient grounds to re-calculate the votes in all the polling stations of the Con.EC.

As a result of the investigation on clarifying the information on the annul of the voting results on the polling stations # 5, 10 and 11 of Khatai third Con.EC # 35, which had been posted on the website of the Central Election Commission and not conducting a session by the Con.EC regarding those polling stations, the reference provided by the Con.EC on November 10, 2015 indicates that Huseynova Sona Sultanovna, a member of the Con.EC representing Hope Party had not taken part at the Con.EC sessions on November 5 and 6, 2015 without any valid reason. The number of the Con.EC phone - (051) 497-38-03 was unavailable. Though it was impossible to inform on the session on November 7, 2015 by phone, Igbal Agha-zadeh, candidate and Beybala Aliyev, authorized representative of the party, who had been invited came together and participated in the session. The arguments included in the decision on the annul of the voting results on the above-mentioned polling stations shall be admitted as a clarification of the issue for the plaintiff and the appeal shall be considered to have been implemented.

Taking the above mentioned as a basis, pursuant to Articles 19.4, 28.2, 112, 112-1 and 170 of the 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 of Agha-zadeh Igbal Fehrux, registered candidate on Khatai third Con.EC # 35, submitted to the Central Election Commission on November 7, 2015 shall be terminated to be investigated in the part on the annul of the voting results on the polling stations # 17, 18 and 26 of the Con.EC due to the relevant decisions of the Con.EC on the previous appeal on those polling stations and the appeal shall be implemented in the other part by considering the voting results on

- the polling station # 21 invalid and it shall not be implemented in the remaining parts.
2. The appeals # 150, dated November 8, 2015 and 153, dated November 9, 2015 of authorized representative Anvar Sardar Aghazadeh shall not be implemented due to groundlessness and the Con.EC decisions # 29, dated November 5, 2015, # 30, 32 and 34, dated November 6, 2015 shall be remained in force without any changes.
 3. The appeal # 149 of Huseynova Sona Soltanovna, dated November 8, 2015 shall be regarded as implemented and the arguments included in the decision on the polling stations # 5, 10 and 11 shall be regarded as a clarification for her.
 4. The decision shall be enforced upon its publication.

CEC Chairman

Mazahir Panahov

CEC Secretary

Arifa Mukhtarova

CEC Secretary

Mikayil Rahimov