

## DECISION

### **of the Central Election Commission of the Republic of Azerbaijan on the consideration of the appeal # 135 received by the Central Election Commission on January 6, 2015 regarding the Municipal Elections held on December 23, 2014**

Kamaladdin Mughbil Aghayev, registered candidate on Mahmudavar municipality of Lankaran-Masalli Con.EC # 75 appealed to CEC regarding the Municipal elections on December 23, 2014, informed on the law violations committed in the polling stations of the above-mentioned municipality, thereby complaining against the relevant Con.EC decision concerning this and requested to undertake relevant measures.

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 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.

Ensuring the citizens' election rights the applicant's appeal was investigated by CEC in a manner and time period defined by law.

During the investigation it was determined that applicant K.M.Aghayev appealed to CEC on December 27, 2014 having offended destination rules regarding the law violations in the polling stations # 32, 33, 34 and 35 of Mahmudavar municipality of Lankaran-Masalli Con.EC # 75 and his appeal was sent to the above-mentioned Con.EC by the decision # 20/134 of the Commission for investigation upon consideration on December 28, 2014. The appeal was considered and the relevant Con.EC adopted a decision # 34/88 on December 30, 2014 on not implementing it.

During the investigation of the appeal by K.M.Aghayev it was determined basing the explanations by the PEC members of the polling stations # 32, 33, 34 and 35 of Lankaran-Masalli Con.EC # 75, candidates registered but not elected to Mahmudavar municipality, observers who had observed in those polling stations on the voting day and on the compiled acts that the voting had been conducted with high turnout in the disputed polling stations, the voting process was held under direct observation of the observers representing different political parties and on their own initiatives since the beginning till the end.

So, PEC members the polling stations # 32, 33, 34, 35 of Lankaran-Masalli Con.EC # 75 - N.H.Aliyev, Z.S.Aghayev, H.O.Aghayev, G.S.Gasimov, Ch.I.Farajov, J.D.Khanmammadov, I.R.Rasulov, E.A.Akbarov, A.Y.Babayev, S.A.Shukurov, A.A.Suleymanov, S.Y.Azizov, Sh.A.Mammadova, other candidates registered but not elected to Mahmudavar municipality F.G.Huseynov, M.Sh.Rustamov, A.Kh.Nahmatov, A.A.Hidayatov and H.M.Aliyev, observers Kh.H.Aliyev, E.A.Babayev, A.I.Farajov, V.B.Ismayilov, A.N.Taghiyev, T.A.Mammadova, F.V.Babayev, A.B.Kerimov, Z.Y.Aghayeva, Ch.F.Farajov, as well as, M.M.Kerimov who had observed in the polling station # 35 upon the appointment of complainant K.M.Aghayev expressed in their written explanations that the voting and all the election actions had been conducted by the election actors under the observation of a lot of observers in comply with legislation,

relevant election commissions had not received any complaint on law violations, any law violation was not encountered regarding the organization and conduct of elections, also the voting results, the copy of the voting results protocol was delivered to them along with being displayed on the Con.EC information board upon the vote counting.

Furthermore, during the investigation process the applicant was contacted, informed on his right to participate in the investigation and although he had been explained on the right to present additional evidences on the justification of the included cases, he told that he did not have such evidences.

Since the claimed cases included in the appeal have not been justified through full, detailed, fair and impartial investigation of the appeal and written evidences, the complaint shall not be implemented and the decision # 34/88 of Lankaran-Masalli Con.EC # 75, dated December 30, 2014 shall be remained in force without being amended.

By assuming the above-mentioned as a basis and pursuant to Articles 19.4, 28.2, 112, 112-1 of the Election Code of the Republic of Azerbaijan and items # 1, 2, 4, 6, 7 of "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", CEC **decides:**

1. The appeal # 135 dated January 6, 2015 by Kamaladdin Mughbil Aghayev, registered candidate on Mahmudavar municipality of Lankaran-Masalli Con.EC # 75 shall not be implemented due to its groundless factors and the decision # 34/88 of Lankaran-Masalli Con.EC # 75 dated December 30, 2014 shall be kept in force without being amended.
2. The decision shall be enforced upon its publication.

CEC Chairman

Mazahir Panahov

CEC Secretary

Arifa Mukhtarova

CEC Secretary

Mikayil Rahimov