

DECISION

of Central Election Commission of the Republic of Azerbaijan

on consideration of the appeal # 151 submitted to the Central Election Commission on November 9, 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 November 9, 2015, Babali Hafiz Arkoyun, registered candidate on Sumgayit second Con.EC # 42 claimed on the commitment of law violations in some polling stations of the Con.EC on the voting day and requested to annul the voting results on those polling stations and the Con.EC decision # 42/105, dated November 7, 2015 and to regard the voting results on the 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.

During the investigation process, the registered candidate to deputy who had appealed was contacted and informed on his rights to submit additional documents and materials, also to participate in the investigation and session. H.A.Babali took part in the investigation and some acts supposed to have been compiled by observers in the polling stations on the voting day were submitted for the investigation and his participation at the CEC session was provided.

The plaintiff informed in his appeal that the observers had not been able to observe the processes of checking the ID cards and thumbs of voters and marking their thumbs with ink in the polling stations # 5, 6, 7, 8, 9, 11, 12, 13, 15, 16, 18, 19, 25, 27, 29, 32, 34, 35, 37 and 38 of Sumgayit second Con.EC # 42 on the voting day, the observation was not fully facilitated, the voters not included in the register had voted within the polling station, double entrance of a person in the polling station, the signatures of the voters who had got ballot papers and the unused ballot papers had not been counted, video taping was not permitted in the polling station, a commission member with consultative voting right appointed by him was not provided with a copy of the voting results protocol on one polling station, the voter turnout on the polling stations was low and law violations were committed during the vote counting and determining the voting results, thereby requesting to annul the voting results on only 15 of the polling stations mentioned above and to regard the voting results on the election constituency as invalid.

During the investigation process the acts supposed to have been compiled in the polling stations on the voting day, submitted plaintiff H.A.Babali were investigated and it was determined that there was a contradiction between some acts and the other acts were of the same subject and general content.

Thus, as the act compiled on 20.00 by H.A.Babali's observers T.I.Aghalarbeyli, R.A.Naghiyev and R.V.Ahmadzadeh regarding the law vioations committed during the vote count in the polling station # 5 of that Con.EC was also compiled at the same hour

on the polling station # 6 by the same persons, the foregoing acts cannot be regarded as valid and assessed as an evidence. Because it is impossible for the same persons to compile acts at the same time periods regarding the commitment of violations in different polling stations. Furthermore, it was determined through the reference of the chairman of the PEC # 5 that R.A.Naghiyev was not registered as an observer in that polling station on the voting day.

It became evident during the investigation process that although at 8.00 observer S.A.Zeynalov compiled an act on the violations claimed to have been committed in the polling station # 7, the reference provided by the PEC chairman reveals that S.A.Zeynalov was registered as an observer in that polling station at 14.43.

Furthermore, although at 19.00 observer E.S.Hajiyev compiled an act on the violations claimed to have been committed in the polling station # 9, the reference provided by the PEC chairman reveals that E.S.Hajiyev left that polling station at 14.10 and did not return there during the day.

It is evident that as regarding the verification of the cases included in the appeal, the accuracy of reliability of some acts submitted by H.Babali is under question, they cannot be assessed as evidences.

During the investigation process regarding the polling stations challenged by the plaintiff, observers who had observed in the polling station # 5 - M.A.Aslanov, Z.I.Guliyeva, Z.H.Shikhiyeva, A.Y.Aliyev, V.F.Alakbarov, PEC chairman A.H.Huseynov, secretaries N.B.Aghayeva, S.A.Khankishiyeva, members A.Abbasova, N.Latifova, D.A.Novruzova and a member with consultative voting right A.S.Guliyev, observers of the polling station # 6 - K.U.Alakbarov, S.A.Mahmudova, N.A.Mikayilov, J.F.Jafarova, F.S.Islamov, PEC chairman R.T.Alirzayeva, secretaries M.V.Isayeva, T.A.Mammadov, members H.B.Ibrahimova, G.A.Aghazadeh, A.A.Novruzov and a member with consultative voting right S.J.Guliyeva, observers of the polling station # 7 - G.S.Shukurova, E.J.Rzayev, H.A.Huseynov, B.M.Pashayev, M.Kh.Aghayev, L.M.Najafova, A.M.Guliyeva, Y.A.Ismayilova, T.F.Khaligova, PEC chairman G.A.Abdurahmanov, secretaries S.S.Najafguliyeva, N.A.Talehli, members M.S.Verdiyeva, S.N.Baghirova, G.T.Rusdemova and a member with consultative voting right F.A.Fataliyev, observers of the polling station # 8 - S.B.Mustafayeva, A.S.Samadova, M.Ch.Hasanova, E.C.Rzayev, T.T.Ibrahimli, Y.Atakishiyeva, M.V.Azizov, J.Y.Bunyatova, PEC chairman M.Aliyev, secretaries S.Sh.Ismayilova, V.H.Isayeva, members F.Kamran gizi, Z.I.Babayev and a member with consultative voting right S.Sh.Samadli, observers of the polling station # 9 - S.N.Shafiyev, S.M.Aghayeva, N.Z.Baghirov, PEC chairman R.K.Maharramov, secretaries K.I.Guliyeva, F.S.Orujova, members K.J.Valizadeh, S.H.Isayeva and R.R.Gasimzadeh, observers of the polling station # 10 - J.M.Hajinski, A.S.Kocharli, J.J.Ahmadova, S.Nazarova, E.Aliyev, G.I.Mammadova, Z.Suleymanova, K.Guliyeva, members E.Damirov, T.B.Guliyeva, G.Ş.Gadashova, E.A.Sadigli, V.Huseynov, R.Suleymanova and a member with consultative voting right N.A.Aslanli, observers of the polling station # 12 - N.A.Ismayilov, A.A.Mammadov, I.N.Mammadov, J.N.Abbasova, G.I.Aliyev, V.H.Amirov, Z.I.Aliyeva, A.Ş.Davudova, V.A.Khalilova, T.H.Mehdiyeva, PEC chairman F.H.Mammadov, secretaries S.A.Alakbarova, D.M.Abdullayeva, members

T.A.Atakishiyeva, F.I.Baghromova, N.R.Ashrafova, observers of the polling station # 13 - R.S.Valiyeva, T.M.Khalilova, Z.B.Jabbarova, F.R.Aghahuseynov, M.I.Alasgarova, R.S.Fataliyeva, I.G.Guliyev and a member with consultative voting right V.A.Bayramzadeh, PEC chairman N.M.Suleymanov, secretaries S.A.Guliyeva, M.M.Alimirzeyev, members S.A.Mehdiyev, F.I.Humbatova, M.E.Isgandarova, observers of the polling station # 15 - Y.A.Kazimova, M.M.Hamzayev, B.M.Mustafayev, Z.A.Piraliyeva, S.M.Mustafayeva, S.A.Taghiyeva, I.Kh.Abbasova, R.A.Atakishiyev, PEC chairman N.M.Tahmazov, secretaries N.Y.Novruzova, S.H.Badalova, members A.M.Mammadova, G.G.Gadimaliyeva, J.B.Yusifova and a member with consultative voting right J.A.Guliyev, observers of the polling station # 16 - I.A.Aghayev, P.R.Babayeva, M.M.Rahimov, A.A.Abbasov, Z.A.Gurbanov, PEC chairman N.K.Dadashova, secretaries K.K.Mammadova, M.P.Bakhshiyeva, members Sh.R.Guliyeva, A.A.Heydarova, N.S.Jafarov and a member with consultative voting right E.K.Magsudov, observers of the polling station # 18 - N.G.Ahmadova, N.J.Hagverdiyeva, G.M.Muzaffarova, E.B.Gasimova, Sh.B.Ibrahimova and a member with consultative voting right A.A.Gurbanov, members G.G.Mikayilov, A.J.Aliyeva, Sh.Z.Naghiyeva, T.E.Sadigli, S.G.Asadova, observers of the polling station # 19 - E.A.Parvanayeva, R.Jabrayilova, M.Kazimova, A.Gurbanova, F.Z.Aslanova, A.R.Jafarova, O.R.Abdullayeva, Ch.A.Taghiyev, I.F.Baghirli, Z.A.Malikova, members Y.A.Rzayev, L.Sh.Samadova, P.A.Babayeva, E.J.Farzaliyeva, S.R.Mammadova, observers of the polling station # 25 - Z.A.Zeynalova, M.B.Hajiyeva, G.F.Karimova, Ch.A.Baylarova, K.R.Guliyev, members T.E.Dumanova, Y.Abilova, R.J.Akimova, Z.A.Musayeva, Z.H.Naghiyeva, A.Abbasova, observers of the polling station # 27 - M.B.Mammadova, N.Sh.Jabrayilova, M.M.Mir-Alakbarov, A.S.Jafarova, M.I.Mammadova, K.S.Huseynova, Kh.A.Novruzova, members M.S.Guliyev, T.I.Babayeva, A.A.Atamova, R.A.Rzayeva, K.H.Hajiyeva, T.Imanova, observers of the polling station # 37 - S.A.Allahverdiyeva, A.B.Mammadova, H.E.Huseynova, Kh.F.Huseynova, S.G.Jabiyeva, A.R.Imanova, R.H.Zulfugarova, M.A.Gulmammadova, M.Kh.Mammadova, M.J.Abdullayeva, E.F.Rajabli, S.Y.Babayeva, members S.A.Allahverdiyeva, A.B.Mammadova, H.E.Huseynova and Kh.F.Huseynova informed in their affidavits that the observers were fully facilitated to observe freely and without any obstacles, the PEC had not received any appeals on the law violations during the conduct of free observation, they got the copies of the PEC voting results protocols without any obstacle and they did not witness any law violation during the processes of voting and vote count.

Although the plaintiff did not request in his appeal to annul the voting results on the polling stations # 29, 32, 34, 35 and 38, the claimed law violations were refuted during the investigation by the affidavits of the election actors who had participated in the elections in those polling stations on the voting day.

Furthermore, the reference provided by the Con.EC shows that pre-election campaign actors were provided with equal opportunities to hold pre-election campaign within that election constituency and the registered candidates on the Con.EC could conduct meetings with voters in different time periods freely. This case was also verified by the affidavits of registered candidates T.F.Mirkishili, T.T.Mirzayeva, A.I.Gafarov,

N.R.Salimova and K.A.Safarli. Meanwhile, the Con.EC has not received any appeal on the cases of offending the rights to conduct pre-election campaign.

Since the data carrier added to the appeal has not been submitted in a relevant manner, it cannot be assessed as an evidence.

It was determined during the investigation that H.A.Babali appealed to Sumgayit second Con.EC # 42 on the investigation of the claimed law violations in the polling stations on the voting day and that appeal was considered by the commission within the manner and time period defined by law on November 7, 2015 and a grounded decision was adopted on that.

Thus, as the claims on the law violations supposed to have been committed in some polling stations of Sumgayit second Con.EC # 42 have not been justified and there were not any law violations which did not allow to determine voters' will on that election constituency during the conduct of the voting and determination of the voting results, the appeal of Babali Hafiz Arkoyun, registered candidate to deputy shall not be implemented due to groundlessness and the Con.EC decision # 42/105, dated November 7, 2015 shall be remained enforced 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 # 151 of Babali Hafiz Arkoyun, registered to deputy on Sumgayit second Con.EC # 42, dated November 9, 2015 shall not be implemented due to groundlessness and the Con.EC decision # 42/105, dated November 7, 2015 shall be remained enforced without any changes.
2. The decision shall be enforced upon its publication.

CEC Chairman

Mazahir Panahov

CEC Secretary

Arifa Mukhtarova

CEC Secretary

Mikayil Rahimov