

DECISION

of Central Election Commission of the Republic of Azerbaijan

on consideration of the appeal # 128 submitted to the Central Election Commission on November 4, 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 4, 2015, Hajiyev Zaur Namig, registered candidate on Gazakh Con.EC # 107 challenged the voting results on that election constituency, argued on the votes to be re-counted and some law violations in the voting process and requested to conduct an investigation concerning those cases.

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, Z.N.Hajiyev who has appealed was contacted and informed on his rights to submit additional documents and materials, also to participate in the investigation and session.

During the investigation the requests of plaintiff Z.N.Hajiyev were clarified and it became evident that he had just requested to annul the voting results on the polling station # 16 due to the committed law violations.

The candidate’s claims on some law violations supposed to have been committed in the polling station # 16 and common cases of not allowing observers to hold an appropriate observation were refuted without being justified by the Central Election Commission basing on the available evidences upon detailed investigation.

So, the affidavits of E.I.Khudiyev, chairman of the PEC # 16, commission secretaries Sh.G.Tanriverdiyev, E.G.Gojayev, commission members Sh.M.Hajiyev, I.A.Murtuzaliyev, R.T.Kazimov, N.B.Ahmadov, observers P.A.Ahmadov, Kh.M.Guliyev and G.M.Hadiyev point out that the voting had been conducted in accordance with the Election Code, not any obstacles had been formed to hold observation, their participation had been ensured during the vote counting and any law violation took place.

It was determined in the investigation process that the votes on the polling station # 16 had been re-counted basing on the appeal of K.Z.Mammadov, another registered candidate on that election constituency and the results coincided with the previous ones.

And the dispute which took place in that polling station on the voting day is under investigation by the competent bodies basing on the appeal of one of the sides.

The reference provided by the Con.EC, dated November 5, 2015 reveals that Z.N.Hajiyev and others had not filed any official appeal to Gazakh Con.EC # 107 regarding the law violations on the voting day in Elections to the Milli Majlis.

In relation to the candidate's request on checking the election results, it is worth mentioning that the appeal did not contain evidences basing on real facts on any violation which could necessitate the examination of the voting results as defined by the election legislation in the polling stations of that constituency and they had, in general, informed on their disagreement with the results. In this case, there are no legal grounds to uphold the appeal.

Thus, Z.N.Hajiyev's claims on the supposed law violations were refuted by the available evidences and the appeal shall not be implemented due to groundlessness as it had not been justified.

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 # 128 submitted by Hajiyev zaur Namig, registered candidate to deputy on Gazakh Con.EC # 107 on November 4, 2015 shall not be implemented due to groundlessness.
2. The decision shall be enforced upon its publication.

CEC Chairman

Mazahir Panahov

CEC Secretary

Arifa Mukhtarova

CEC Secretary

Mikayil Rahimov