

DECISION

of Central Election Commission of the Republic of Azerbaijan

on consideration of the appeal # 172 submitted to the Central Election Commission on November 11, 2015 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015

In their appeal addressed to the Central Election Commission on November 11, 2015, Aliyev Ali Nadir and other registered candidates on Yasamal first Con.EC # 15 claimed on the violation of their rights to conduct pre-election campaign and law violations in some polling stations of the Con.EC on the voting day, thereby requesting to annul the decision # 30/71 of that Con.EC, dated November 6, 2015 and to regard the voting results on that 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 candidates to deputy who had appealed were contacted and informed on their rights to submit additional documents and materials, also to participate in the investigation and session. Candidate A.N.Aliyev submitted some acts supposed to have been compiled in the polling stations on the voting day and 3 ballot papers for the investigation, plaintiffs A.N.Aliyev, R.L.Rustamov, N.A.Mehdiyev and V.F.Rustam participated at the CEC session.

It should be noted that appeal on that issue, submitted by the candidates claiming on the violation of the right to hold pre-election campaign was examined at the CEC session on October 28, 2015, a decision was adopted on non-implementation of the appeal, the complaint filed to court against the decision was not implemented due to groundlessness and the decision of the commission was remained enforced without nay changes.

The appeal indicated the cases that the observation was not facilitated in the polling stations # 1, 2, 3, 4, 5, 6, 7, 8, 12, 13, 14, 15, 18,19, 20, 21, 23, 24, 28, 29, 30 and 31 of Yasamal first Con.EC # 15, the observation process was obstructed by the PEC members, ballot papers were not counted and stamped before the voting commenced, the lock numbers of ballot boxes were not declared loudly, campaign was being held in favor of candidate U.Guliyev on the voting day, persons included in the register on the other regions were voting, the persons without election right were entering the polling stations, voting in place of others took place, voters' turnout was low in polling stations, ballot staffing took place in some polling stations, law violations were committed during vote calculation and therefore, it was requested to investigate those violations, to annul the voting results on some polling stations and invalidate the voting results on the Con.EC.

During the investigation process the acts claimed to have been compiled in different polling stations on the voting day, presented by the plaintiffs were investigated and

contradiction was revealed between some acts and the other acts were defined to be of the same content and subject.

Thus, the act on law violations in the voting process, compiled at 10.45 basing on the observation by the persons who observed in the polling station # 5 - M.M.Ibadov, R.I.Latifov, S.M.Mahmudov, J.Guliyev, authorized representatives of Musavat Party B.G.Allahnazarov, A.A.Hasanov contained the same violation included in the act compiled by the same persons at the same time in the polling stations # 6 and 7, R.A.Abbasov and Z.E.Mammadov in the polling station # 15 at 12.00 and at the same time in the polling station # 14. Obviously, the acts cannot be assessed as evidences due to the impossibility of compiling act on the commitment of the violation in different polling stations simultaneously by the same persons.

It was determined through the investigation that the cases mentioned as violations in the acts compiled by A.Hajiyev who observed in the polling station # 1 on the voting day and candidate R.Rustamov at 9.25, R.Rustamov and M.Farzaliyev who observed in the polling station # 18 at 18.11, Z.Huseynli, J.Alishov, S.Orujova and S.Aghayeva who observed in the polling station # 21 at different hours, F.Mammadov and A.Guliyev who observed in the polling station # 24 at 11.00, A.Balakishiyev who observed in the polling station # 30 at 10.20 cannot be assessed as the violation of the election rights.

Furthermore, though P.Sh.Mammadov, A.A.Jabbarov who observed in the polling station # 3 and E.M.Yusifov, Y.K.Seyfalov and candidate R.L.Rustamov who observed in the polling station # 19 compiled acts on the voting of three persons not included in the register in other districts, these acts cannot be assessed as evidences due to the impossibility to determine whether those persons had been included in the voters' list or not and the cases had been committed or not as the names and surnames of the persons were not indicated.

It was determined through the investigation that the acts supposed to include the violations in the polling stations on the voting day had not been submitted to relevant PECs in comply with Article 42 of the Election Code.

The observers representing different interests who had observed the voting process from the beginning to the end in the polling stations which the violations were claimed to have been committed in the appeal verified by their affidavits that the voting process, vote calculation and compilation of the voting results protocols had been conducted in accordance with the election legislation.

Thus, observers who had observed the voting process in the polling stations of Yasamal first Con.EC # 15; on the polling station # 1 - J.R.Guliyev, A.A.Imanov, N.S.Asgarova, H.I.Alizadeh, B.B.Ahadov, on the polling station # 2 - J.A.Musazadeh, S.S.Jabbarova, S.M.Aslanbayli, N.A.Mehdiyev, I.M.Asgarov, on the polling station # 3 - T.E.Rustamov, O.M.Hasanova, G.M.Gurbanova, S.N.Budagova, A.E.Hajizadeh, on the polling station # 4 - G.S.Bakhshaliyeva, T.A.Aghayeva, R.A.Mammadova, B.Y.Safarli, Kh.N.Mammadova, J.Kh.Dadashzadeh, on the polling station # 5 - Y.R.Hajiyeva, Sh.Y.Bashirova, Z.V.Khalilov, I.J.Ilyasova, S.G.Geybullayeva, S.A.Aliyeva, on the polling station # 6 - R.A.Sadigova, Sh.I.Mahmudova, G.F.Nasirova, H.A.Lalayeva, A.B.Guliyeva, Z.G.Javadzadeh, S.I.Amirfatova, on the polling station # 7 - K.S.Mahmudova, T.A.Eyyubova, Y.A.Garayeva, Z.S.Mammadova, P.Y.Nailova, G.H.Kazimova, on the polling station # 8 - S.N.Nabiyev, D.I.Yagubova, N.Aliyeva, M.H.Aliyeva, V.E.Gasimzadeh, A.J.Jalilova, S.H.Gasimova, S.A.Shirnova, on the

polling station # 12 - S.P.Aghakishiyev, S.F.Guliyeva, Y.A.Rahimova, N.F.Hasanova, G.J.Namazova, K.M.Miramova, S.M.Huseynova, on the polling station # 13 - D.A.Bashirova, I.J.Naghiyeva, Y.G.Aliyeva, L.V.Bayramova, V.T.Sadigova, on the polling station # 14 - Sh.G.Mammadzadeh, G.M.Gurbanova, F.F.Eyvazova, M.S.Badalova, F.N.Ilyasova, H.H.Hasanov, on the polling station # 15 - A.F.Hasanova, R.T.Zeynalova, M.B.Ravanova, A.A.Hamidova, I.Y.Ahmadova, S.F.Aghayeva, R.R.Gasimova, M.H.Ashurova, on the polling station # 18 - J.R.Rzayev, G.A.Behbudova, N.M.Rafiyeva, I.S.Hajiyeva, A.R.Ahmadova, G.E.Mehraliyeva, M.A.Aliyeva, on the polling station # 19 - K.Y.Aghayeva, N.T.Aliyev, Ch.M.Hasanova, F.T.Ibrahimova, N.T.Mirzayeva, S.H.Murvatova, on the polling station # 20 - I.Sh.Garayev, A.I.Ismayilov, J.B.Bahadur, E.G.Abbasov, R.T.Sibadov, on the polling station # 21 - S.B.Guliyev, R.R.Garayev, A.N.Bayramov, S.Z.Akbarov, Sh.I.Bakhshaliyev, Sh.V.Azimov, R.H.Huseynov, M.A.Ismayilov, R.B.Aghayev, R.R.Babayev, I.Huseynov, I.H.Farzaliyev, on the polling station # 23 - S.A.Gojayeva, O.Abdullayeva, F.B.Adigozalov, I.Y.Hashimova, Z.E.Malikova, J.Kh.Dadashova, on the polling station # 24 - T.Z.Bayramova, K.M.Mammadova, M.D.Musayeva, Z.A.Yusifova, S.M.Shirnova, on the polling station # 28 - A.N.Vahabzadeh, N.A.Goyushov, T.K.Yusifov, T.M.Aliyev, A.A.Aliyeva, on the polling station # 29 - B.G.Mehdiyev, R.T.Gadirov, A.J.Bunyatov, E.B.Aliyev, A.R.Safarli, A.S.Gasimzadeh, on the polling station # 30 - T.M.Mikayilov, T.I.Ahmadova, Z.F.Islamova, T.M.Ahmadova, N.M.Ruhan, on the polling station # 31 - A.M.Alakbarov, A.H.Muslumov, Y.G.Gaziyev, E.A.Bakhtiyarli, N.M.Shukurov verified the above-mentioned by their affidavits and informed that they had left the polling stations after getting the copy of the voting results protocol.

As 3 ballot papers concerning the polling station # 29, presented additionally by candidate to deputy A.N.Aliyev during the investigation process were not included in the voting results protocol, also the cases that impinge the determination of voters' will as a result of violating the election legislation in the polling station, the voting results on that polling station shall be regarded as invalid.

The appeals filed to Yasamal first Con.EC # 15 by the plaintiff candidates A.N.Aliyev and others concerning the violations supposed to have been committed in the polling stations on the voting day were investigated by that Con.EC in a manner and time period defined by law, reviewed at the commission session on November 6, 2015 and a decision was made on that, which is currently challenged.

Basing on the above-mentioned, the appeal # 172 of A.N.Aliyev, dated November 11, 2015 shall be partly implemented, the voting results on the polling station # 29 shall be invalidated and the appeal shall not be implemented in the remaining part due to groundlessness. The decision # 30/71 of Yasamal first Con.EC # 15, dated November 6, 2015 shall be partly annulled in relation to the voting results of the polling station # 29 and remained enforced in the remaining part.

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 # 172 of Aliyev Ali Nadir and other registered candidates on Yasamal first Con.EC # 15, dated November 11, 2015 shall be partly implemented, the voting results on the polling station # 29 shall be invalidated and the appeal shall not be implemented in the remaining part due to groundlessness.
2. The decision # 30/71 of Yasamal first Con.EC # 15, dated November 6, 2015 shall be partly annulled in relation to the voting results of the polling station # 29 and remained enforced in the remaining part.
3. The decision shall be enforced upon its publication.

CEC Chairman

Mazahir Panahov

CEC Secretary

Arifa Mukhtarova

CEC Secretary

Mikayil Rahimov