

## **DECISION**

### **of Central Election Commission of the Republic of Azerbaijan**

#### **on consideration of the appeal # 180 submitted to the Central Election Commission on November 13, 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 13, 2015, Jafarov Uzeyir Eldar, registered candidate nominated by Hope Party on Khatai first Con.EC # 33 challenged the decision # 28/82 of the Con.EC, dated November 9, 2015 and requested to annul that decision and to regard the voting results on that election constituency 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 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. The participation of the candidate at the investigation and CEC session was provided.

Having challenged the voting results on the polling stations # 2, 5, 8, 9, 12, 14, 16, 18, 19, 21, 22, 28, 29, 32 and 36, U.E.Jafarov claimed in his complaint that multiply voting had been committed, a voter was issued several ballot papers, some observers had not been facilitated to observe, there had been discrepancy between the voters' number declared after the voting ended and the number of the ballot papers in ballot boxes.

It was determined through the investigation that the Con.EC had conducted investigation on the appeal of U.E.Jafarov, provided his participation at the investigation and made him aware of the affidavits and other documents provided by relevant persons in the investigation. The affidavits and acts compiled a number of observers representing different interests who had observed in 15 polling stations where the law violations were claimed in the appeal to have been committed revealed that the claimed violations were not committed in the polling stations indicated by the plaintiff, the election legislation was abided by in the voting and compilation of the voting results protocols, the protocols were compiled in the polling stations and their copies were provided to the interested electoral actors. During the investigation process a number of acts and affidavits provided by the above-mentioned election actors and PEC members representing different political forces refuted the cases indicated in the appeal of the candidate. A.S.Ahmadov, T.Y.Aliyeva, A.H.Sadikhova, A.E.Salmanov, A.H.Gasimov who had observed in the polling station # 2, P.B.Jafarov, T.A.Bashirova, I.F.Sharifov, R.A.Maharramov, F.N.Khudiyev who had observed in the polling station # 4, Sh.V.Asgarov, F.H.Morsumov, M.A.Yusifov, H.I.Huseynov, Sh.M.Gasimov who had observed in the polling station # 6, K.A.Mukhtarov, T.A.Kerimov, A.M.Ismayilova, S.V.Abbasova, M.S.Sharifov who had observed in the polling station # 8, N.A.Salmanova, K.A.Kerimov, A.G.Ismayilova, T.G.Mukhtarov, R.Y.Ismayilzadeh who had observed in the polling station # 9, Z.V.Tarverdiyev, M.I.Gurbanov, N.S.Hashimov,

I.M.Babayev, A.A.Alizadeh, E.B.Suleymanov, P.T.Eyyubov, R.V.Hasanov who had observed in the polling station # 12, A.M.Zeynalov, A.S.Aslanov, E.F.Rzayev, M.Y.Mammadov, M.I.Valiyev who had observed in the polling station # 16, A.Kh.Shahbazov, S.S.Abunova, D.G.Alishanov, Z.Kh.Shukurov, Y.T.Hamidov who had observed in the polling station # 18, M.A.Aslanov, E.I.Imanverdiyev, E.A.Huseynova, A.Z.Baghirov, E.N.Nematov who had observed in the polling station # 19, R.A.Humbatov, J.B.Gojayev, E.N.Allahverdiyev, T.I.Huseynov, B.E.Badalov, M.O.Aliyev who had observed in the polling station # 20, V.S.Ibrahimov, J.K.Majidov, O.B.Heydarov, A.A.Rahimov, E.A. Mursalli who had observed in the polling station # 21, V.I.Mikayilov, J.T.Javadova, R.F.Tahirov, A.A.Huseynov, H.S.Hasanov who had observed in the polling station # 22, A.H.Asadova, E.G.Abdullayev, R.I.Javadov, O.D.Ibrahimov, M.K.Guliyev who had observed in the polling station # 23 and V.B.Alasgarova, S.E.Murshudova, E.T.Asadova, N.I.Ibrahimova, G.F.Hajizadeh, H.I.Rzayev, E.G.Babayeva, A.V.Gadirov, T.I.Najafov and Z.M.Rasulov who had observed in the polling station # 24 informed in their affidavits that the election legislation was compiled with in the voting process, vote counting and tabulation upon determination of results, any serious law violation was not allowed and the observation process was not interfered in, PEC chairman or members did not pressure upon neither them nor other observers, the polling stations functioned within the frame of law.

Therewith, the observers representing interests of Hope Party at Khatai first Con.EC # 33, as well as, Aliyev Orkhan Zaur on the polling station # 18, Nuraddin Isgandarov on the polling station # 21, Ismayil Ismayilov on the polling station # 22, Huseynov Rahman Aydin on the polling station # 28 compiled an act together with other observers and informed that not any law violation was committed in the voting and vote counting and they were provided with the copies of the voting results protocols.

As the legal grounds have not been determined to implement the complaint and annul the Con.EC decision on the complaint, the appeal shall not be implemented upon regarding as invalid and the decision # 28/82 of Khatai first Con.EC # 33, dated November 9, 2015 shall be remained as enforced.

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 # 180 of Jafarov Uzeyir Eldar, registered candidate nominated by Hope Party on Khatai first Con.EC # 33, dated November 13, 2015 shall not be implemented due to groundlessness and the Con.EC decision # 28/82, dated November 9, 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