

DECISION

of Central Election Commission of the Republic of Azerbaijan

on consideration of the appeal # 168 submitted to the Central Election Commission on November 10, 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 10, 2015, Majidzadeh Shahriyar Sardar, registered candidate nominated on own initiative on Tartar Con.EC # 95 challenged the decision # 23/124 of Tartar Con.EC # 95, dated November 7, 2015 and requested to annul that decision, to regard the voting results in the polling station # 28 as invalid and to adopt a decision on the invalidation of the voting results on that election constituency.

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.

The candidate claimed in his complaint that observers had not been facilitated to conduct observation on the voting day in the polling stations # 1, 2, 5, 6, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 25, 26, 27, 29, 30, 31, 34 and 38, it was impossible to observe the voting process fully from the places allocated for observers, the persons without ID cards had been issued ballot papers, ballot staffing was observed by unknown people, specially allocated buses took people to the voting, the voters going to some polling stations were offered to vote for Sahib Aliyev, a tall young man voted twice in the polling station # 26, the vote counting was not conducted under the accompany of observers in that polling station and the voting protocols on many polling stations were not compiled at the PECs. He had appealed on the above-mentioned and other violations to the Con.EC but the Con.EC adopted a decision to not implement his complaint without any reason. Meanwhile, he indicated that regarding the investigation of the complaint, the con.EC had not used the video views of the webcams installed in the polling stations # 1, 2, 3, 4, 5, 6, 10, 31.

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. Although he had requested in the appeal to provide his participation in the investigation, he did not participate in the investigation and at the session in spite of inviting him.

It was determined through the investigation that the Con.EC conducted a thorough investigation on the appeal of candidate to deputy Sh.S.Majidzadeh, provided his participation in the investigation and familiarized with the affidavits provided by the relevant persons and other documents on the investigation. The acts and affidavits compiled by a number of observers representing different interests who conducted observation in 25 polling stations where were claimed in the appeal the law violations to have been committed on the voting day included that the violations were not committed in the polling stations claimed by the plaintiff, the election legislation was abided by in the conduct of 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 subjects. 90 acts and affidavits provided by the foregoing election actors and PEC members representing different political forces refuted the cases indicated in the candidate's appeal. Among the observers who had signed the acts proving non-violation of the election legislation in the polling stations on the voting day there were the observers appointed by the candidate himself – I.Jafarov on the polling station # 5, A.Jafarov on the polling station # 16, S.Aliyev on the polling station # 19, J.Huseynov on the polling station # 20, V.Bayramov on the polling station # 21, I.Aliyev on the polling station # 22, F.Ismayilov on the polling station # 23, N.Huseynov on the polling station # 27. Meanwhile, the acts presented for the investigation determine that the observers and agents appointed by candidate Sh.Majidzadeh tried to intervene in the working activity of the PEC in the polling stations # 1, 2, 14, 34 and 35 on the voting day. The violations of the general content indicated in 10 acts presented to the Con.EC by the applicant candidate and supposed to have been compiled on the voting day were refuted by the foregoing acts and affidavits.

As a result of detailed and fair investigation, the Con.EC has arrived in proper conclusion to not implement the complaint of candidate Sh.Majidzadeh.

Along with legally assessing the results of the investigation on the Con.EC decision which has been complained against, during the investigation process of the current appeal a number of observers who had conducted observation since the commencement of voting till vote counting and finalizing the compilation of the voting results protocols - L.Ahmadova on the polling station # 1, A.Suleymanov on the polling station # 3, I.Babayev on the polling station # 4, Z.Abdullayeva on the polling station # 5, I.Huseynov on the polling station # 12, Z.Garashov on the polling station # 14, K.Zeynalova on the polling station # 19, M.Orujova on the polling station # 24, N.Mammadov on the polling station # 37 were contacted and they approved that they had compiled and signed an act on non-violation of the election legislation on the polling stations observed by them.

Apart from all these, the video records of the webcams installed in the polling stations # 1, 2, 5, 6, 10 and 31 were reviewed where the law violations are claimed to have been committed in the appeal of candidate Sh.Majidzadeh basing on his petition to review the video records of the webcams installed in some polling stations of the Con.EC and the claimed violations were not justified.

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 # 23/124 of Tartar Con.EC # 95, dated November 7, 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 # 168 of Majidzadeh Shahriyar Sardar, registered candidate nominated on own initiative on Tartar Con.EC # 95, dated November 10, 2015 shall not be implemented due to groundlessness and the Con.EC decision #

23/124, 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