

DECISION

of Central Election Commission of the Republic of Azerbaijan

on consideration of the appeal # 174 submitted to the Central Election Commission on November 12, 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 12, 2015, Babali Yagub Mahammad, registered candidate nominated by "AZADLIG-2015" bloc of political parties on Aghsu-Ismayilli Con.EC # 87 claimed on the commitment of law violations in some polling stations of the Con.EC on the voting day, obstructing observers to observe the vote counting, exaggeration of the voters' number coming to the voting, ballot staffing, interference of the executive representatives and police officials in the election process and requested 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.

Y.M.Babali informed in his appeal that the observers indicated in the reply letter of Aghsu-Ismayilli Con.EC # 87 on November 7, 2015 were not the observers appointed by him, some observers were pressured upon by the employees of executive authorities to praise the elections, the police intervened in the voting process in the polling station # 37 and observers Ruslan Khaligov and Aydin Bakhishov were made leave the polling station. Meanwhile, having claimed on the commitment of law violations in the voting process in the polling stations # 1, 3, 4, 6, 10, 14, 20, 25, 26, 28, 31, 37, 52 and 56 of the Con.EC, he also indicated that those violations would be revealed if the votes were re-calculated in the polling stations # 14, 28 and 31.

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. He did not submit any additional material for the investigation except 4 acts which were copies and participated at neither CEC session nor investigation.

The reference provided by the Con.EC on November 13, 2015 shows that authorized representatives of "AZADLIG-2015" bloc of political parties, the appointed observers and plaintiff Y.M.Babali had not filed an appeal on any law violation to PECs and Con.EC in the end of vote calculation, the process of compiling voting results protocols and providing their copies to the interested electoral stakeholders.

It was determined through the investigation of the case indicated by the plaintiff on making observers Ruslan Khaligov and Aydin Bakhishov to leave the polling station # 37 in the process of vote counting that Bakhishov Aydin Fazil who had been mentioned in the appeal as observer was a commission member with consultative voting right appointed by Shikarli Zaka Zohrab, registered candidate to deputy on that election

constituency. The affidavit on that issue, provided by him on November 13, 2015 includes that he participated in the process of voting since the commencement till the compilation of the voting results protocol in the polling station # 37, the elections were conducted in comply with legislation, all the election actors were provided with equal opportunities and he had not recorded any violation. As Khaligov Ruslan Akif who had observed in that polling station intervened in the activity of the election commission during the vote calculation, the commission members compiled an act on that at 19.40 p.m. on November 1, 2015 and since he continued interference, they invited the police serving in that territory by the decision adopted at 19.50 p.m. to ensure normal functioning of the commission.

Observers who had observed in the polling stations where the violations were claimed to have been committed, as well as, observers who had observed in the polling station # 1 - J.A.Goyjayev, S.S.Yoljuyeva, Kh.A.Aliyev, I.O.Farzaliyev, Y.B.Gurbanov and Z.M.Bashirova, observers who had observed in the polling station # 3 - D.S.Nasirova, S.V.Nuriyeva, Z.Z.Mammadova and T.M.Atakishiyeva, observers who had observed in the polling station # 4 - Sh.Sh.Buludkhanov, A.A.Mammadova, F.B.Najafova, M.A.Samadova, observers who had observed in the polling station # 6 - B.S.Aliyeva, S.G.Kazimova, Z.A.Abasova and voter S.S.Khasiyeva, observers who had observed in the polling station # 14 - S.A.Karimov, A.B.Aghayev and S.A.Aghayev, observers who had observed in the polling station # 25 - V.K.Bashirov, A.A.Mustafayev and T.J.Javadov, observer who had observed in the polling station # 26 - N.A.Guliyev, observers who had observed in the polling station # 28 - K.A.Namadov, I.T.Mammadov and Ch.E.Mammadov, observers who had observed in the polling station # 31 - V.F.Ahmadov, N.O.Isgandarov and M.A.Rahimova, observers who had observed in the polling station # 37 - I.A.Mammadov, H.A.Mammadov, R.G.Ibrahimov, R.T.Abishov, observers who had observed in the polling station # 52 - A.A.Shirinov, R.Z.Huseynov and M.A.Shukurov, observers who had observed in the polling station # 56 - Z.A.Agharahimov, N.A.Aliguliyev, S.B.Movlanov and F.N.Nuriyev informed in their affidavits that the voting was conducted in comply with legislation, observers had been fully facilitated to observe in polling stations, any law violation was not committed during the vote counting and compilation of the voting results protocol and observers were provided with copies of the PEC voting results protocols. Therewith, the affidavit provided by Mutallimov Alyunis Əlyusif, registered candidate on that election constituency indicated that the election legislation was not offended in the above-mentioned polling stations on the voting day.

As the arguments indicated by the plaintiff were not justified in the investigation, the appeal shall not be implemented due to groundlessness.

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 # 174 of Babali Yagub Mahammad, registered candidate nominated by "AZADLIG-2015" bloc of political parties on Aghsu-Ismayilli Con.EC # 87, dated November 12, 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