

DECISION

of Central Election Commission of the Republic of Azerbaijan

on consideration of the appeal # 141 submitted to the Central Election Commission on November 5, 2015 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015

In his appeal addressed to the Central Election Commission on November 5, 2015, Isayev Zahir Gazanfar, registered candidate on Guba Con.EC # 52 who had been nominated on own initiative in the elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015 informed that he had not been provided the voting results protocol by the Con.EC and requested to annul the voting results and to submit a copy of the protocols to him.

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 reference provided by the Con.EC regarding the appeal reveals that the voting process in the polling stations # 5, 48 and 54 had been monitored by three observers and two agents appointed by the candidate from the beginning till the end. Candidate himself, his observers and agents had not appealed to the PEC or Con.EC regarding any violations on the voting and calculating of voting results and the copies of the voting results protocols were not required.

The candidate's claim on not responding to his previous appeals was not justified upon the investigation. So thus, a response letter # 10/20-823, dated October 31, 2015 with the signature of the commission secretary was sent as a reply to the telegram addressed by him to the Central Election Commission on October 30, 2015.

In relation to the candidate's request on the annul of 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 annul of the voting results as defined by the election legislation in the polling stations of that constituency and he had, in general, informed on the disagreement with the results. In this case, there are no legal grounds to uphold the appeal in that part, therefore the appeal shall not be implemented in that part.

Basing on the above-mentioned, the appeal shall be partly implemented in the part on providing the candidate with the copies of the voting results protocols and it shall not be implemented in the part on the annul of the election results.

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 # 141 submitted by Isayev Zahir Gazanfar, registered candidate in the elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015 on November 5, 2015 shall be partly implemented and Guba Con.EC # 52 shall be charged with providing the candidate with the copies of the voting results protocols.
2. The appeal shall not be implemented due to its groundlessness in the part on the annul of the election results.
3. The decision shall be enforced upon its publication.

CEC Chairman

Mazahir Panahov

CEC Secretary

Arifa Mukhtarova

CEC Secretary

Mikayil Rahimov