

DECISION

of Central Election Commission of the Republic of Azerbaijan

on consideration of the appeal # 184 submitted to the Central Election Commission on November 14, 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 14, 2015, Abbasli Tural Feyruz, registered candidate Nasimi first Con.EC # 21 claimed on not providing candidates with equal opportunities to conduct pre-election campaign, commitment of the law violations in some polling stations of the Con.EC on the voting day and requested to annul the decision # 25/74 of the Con.EC, dated November 7, 2015 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. He informed that his authorized representative would participate in the investigation and the authorized representative participated in the investigation on November 16, 2015, submitted the originals of 13 acts compiled in the polling station on the voting day by the observers representing the registered candidate and a disc containing 11 video records and 62 photos, he was also invited to the investigation during the CEC session and he took part at the session.

T.F.Abbasli informed in the appeal that the observation was not facilitated in the polling stations # 1, 2, 3, 6, 7, 8, 9, 10, 11, 17, 27 and 29 on the voting day, the conduct of a normal observation had been impossible, the observation of ID cards had not been allowed and observers were made to leave in some polling stations, the persons not included in the voters' list participated in the voting, multiply voting and ballot stuffing had been committed in some polling stations, the voters' turnout was low and overstated in the polling stations and requested to annul the decision # 25/74 of the Con.EC, dated November 7, 2015 and to invalidate the voting results on the Con.EC.

The reference provided by Nasimi first Con.EC # 21 shows that full and equal opportunities were formed to conduct pre-election campaign within that election constituency and registered candidates on that election constituency were provided with "indoor and outdoor" venues to hold meetings with voters.

T.F.Abbasli did not use the opportunity to apply officially to the Con.EC regarding the organization of meetings and substantiated the case on the grounds that he would implement that by distributing booklets and calendar plans.

It was determined through the investigation that not any state institute had intervened in the pre-election campaign, every candidate was provided with equal opportunities and

during that period neither Con.EC, nor the Central Election Commission had been filed a complaint on the usage of administrative resources by campaign actors.

Furthermore, in his appeal filed to the Con.EC on November 2, 2015 T.F.Abbasli informed that he had not observed any law violation within Nasimi first Con.EC # 21 during the voting, thereby refuting his claims on the commitment of the above-mentioned law violations.

It became evident through the investigation of the plaintiff's claims that the observation was not facilitated in many polling stations of Nasimi first Con.EC # 21 on the voting day, the conduct of a normal observation had been impossible, the observation of ID cards had not been allowed and observers were made to leave in some polling stations, the persons not included in the voters' list participated in the voting, multiply voting and ballot stuffing had been committed in some polling stations, two persons entering the same polling booth, the voters' turnout was low and overstated in the polling stations that were refuted fully and not justified upon the investigation. Thus, it became evident through the affidavits of other observers who had observed in the challenged polling stations, PEC members, relevant notes made in the voters' lists, other necessary materials, as well as, the results of reviewing the video records by selection method in the polling stations where webcams had been installed revealed that any problem or obstacle had not been observed during the whole voting procedures since checking voters' thumbs at the entrance to the polling stations till casting ballot papers into the ballot boxes, the observation was conducted openly and independently, observers were facilitated as necessary, also the active participation and free expression of the will by voters, counting of ballot papers in comply with election legislation after the voting had ended, vote calculation, compilation of the voting results protocol and issuing their approved copies to the interested persons were observed.

Any case contrary to the election legislation during the voting day has not been determined in the activity of that PEC through the investigation.

During the investigation of the video records and photos submitted as materials claiming on the participation of the plaintiff's representatives in the multiply voting of a person arranged on some polling stations, also entrance of two persons in the same voting booth, ballot stuffing in some polling stations, low voter turnout and overstating of the voter turnout on the polling stations, any valid evidence was not determined that could verify the commitment of the above-mentioned cases, meanwhile, to arrive in justifiable conclusion was impossible basing on that material. As those materials had been available not through procedural ways and did not own the relevant volume and quality of the information carrier, they could not be assessed as verifying evidences on the claimed cases.

During the investigation it was determined that 13 acts referring to the commitment of the supposed law violations had been documented not by the observers who had observed those violations, but by Sh.Z.Beydullayev, authorized representative of T.F.Abbasli after the voting. And the case cannot be assessed as a point which could have effect on informing the PEC of the polling station which the claimed law violations had been committed, also fair and inclusive investigation by the authorized structures (PEC, Con.EC) and prevention as possible.

It was determined through the investigation that as the claims on the law violations supposed to have been committed in the polling stations of Garadagh Con.EC # 11, challenged by the plaintiff were not justified and the cases that impinged to determine

voters' will on that Con.EC were not revealed, the appeal of B.A.Abil shall not be implemented upon regarding as invalid and the decision # 29/78 of the Con.EC, dated November 12, 2015 shall be remained as enforced.

As the cases that impinged to determine voters' will during the conduct of voting or defining voters' will on Nasimi first Con.EC # 21 were not revealed and any legal ground was not determined to invalidate the voting results, the appeal shall not be implemented.

It was determined during the evaluation of the decision # 25/74 of Nasimi first Con.EC # 21, dated November 7, 2015 on not implementing the appeal of T.F.Abbasli that the appeal had been examined by the Con.EC within the period and manner defined by law and a relevant decision was submitted to the plaintiff in time. While investigating that appeal at the Con.EC, the reliability and possibility of the collected evidences were focused on and relevant measures were undertaken for their sources and methods of availability to comply with legal requirements. Thus, the evidences had been collected by the entitled persons and affidavits, information, acts, references and other materials of great importance for the case had been obtained in a manner defined by law.

As the violations claimed in the appeal filed to the Con.EC questioned the voting results on the polling stations, a number of observers representing different interests and PEC members were required affidavits on the cases investigated by the Con.EC regarding the challenged polling stations and other necessary materials were collected. The non-violation of the election legislation was verified through the collected evidences and since the violations indicated in the appeal have not been justified and proved to be groundless, a decision was made to not implement the appeal.

During the investigation any ground was not determined to annul the decision # 25/74 of Nasimi first Con.EC # 21, dated November 7, 2015 on not implementing the appeal of T.F.Abbasli, dated November 5, 2015. Therefore, the decision shall be remained enforced without any changes.

Thus, the appeal of registered candidate to deputy T.F.Abbasli shall not be implemented due to groundlessness and the decision # 24/75 of Nasimi first Con.EC # 21, dated November 7, 2015 shall be remained enforced without any changes.

Taking the above mentioned as a basis, pursuant to Articles 19.4, 28.2, 28.4, 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 # 184 of Abbasli Tural Feyruz, registered candidate Nasimi first Con.EC # 21, dated November 14, 2015 shall not be implemented due to groundlessness and the Con.EC decision # 25/74, dated November 7, 2015 shall be remained enforced without any changes.
2. The decision shall be enforced upon its publication.

CEC Secretary

CEC Secretary

Arifa Mukhtarova

Mikayil Rahimov