

## **DECISION**

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

#### **on consideration of the appeal # 182 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, Abil Baybala Alibala, registered candidate nominated by "AZADLIG-2015" bloc of political parties on Garadagh Con.EC # 11 requested to annul the decision # 29/78 of the Con.EC, dated November 12, 2015 and 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.

B.A.Abil claimed in his complaint that the voting process had not been arranged properly in the polling stations of Garadagh Con.EC # 11, the persons not included in the voters' list participated in the voting, multiply voting was allowed, the names of voters were repeated in the voters' list, the persons who had not presented ID card were issued ballot papers, the conduct of observation was impossible, transparency principles was not abided by during the vote counting and acts were compiled upon the observation of serious law violations on 19 polling stations.

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 participated in the investigation and submitted a CD disc with one video records supposed to concern the voting day, photos and other documents.

The affidavits of the observers and commission members representing different political forces who had observed in the polling stations # 2, 4, 6, 7, 9, 11, 13, 14, 16, 18, 20, 21, 22, 24, 28, 29, 30, 32 and 37 where the law violations claimed in the appeal to have been committed refuted those violations.

Thus, a number of acts and affidavits provided by the observers and PEC members representing different political forces - V.A.Mehdiyev, F.G.Gulaliyev who had observed in the polling station # 2, Y.A.Musayeva, A.V.Ayvazova, A.T.Lazimova who had observed in the polling station # 4, F.F.Badirov, S.Hajiyeva, M.G.Aghayeva, Z.Aliyev who had observed in the polling station # 6, O.H.Ismayilov, M.D.Manafova who had observed in the polling station # 7, Kh.T.Ganiyeva, T.F.Mammadova, E.A.Safarova who had observed in the polling station # 11, P.H.Najafgulyev, J.Y.Salahov, V.K.Huseynova, A.M.Amiraslanov who had observed in the polling station # 13, Sh.Shiraliyeva who had observed in the polling station # 14, A.S.Heydarova, B.N.Valiyeva, G.R.Jabiyeva, S.P.Samadov who had observed in the polling station # 18, Kh.S.Musayeva, D.S.Safarova, R.B.Alkishiyeva, S.F.Aliyeva who had observed in the polling station #

20, Sh.M.Abdullayeva, Sh.M.Fatullayeva, E.E.Novruzov who had observed in the polling station # 21, S.B.Mehdiyeva, A.M.Mammadova who had observed in the polling station # 22, A.G.Rzayeva, A.V.Ismayilova, R.A.Ismayilov, K.Sh.Imanguliyeva, S.S.Huseynova, F.S.Asadov who had observed in the polling station # 24, A.I.Panahov, V.J.Mammadov who had observed in the polling station # 28, Kh.A.Fataliyev, Sh.N.Fataliyeva, Kh.I.Hasanova, G.J.Sadigova who had observed in the polling station # 29, A.F.Davudova, M.F.Mammadova who had observed in the polling station # 30, R.N.Javadov who had observed in the polling station # 32 verified that voting and vote counting was conducted in comply with the election legislation, the voting results protocols were compiled in a manner defined by the Election Code and their copies were distributed to the interested election actors and the observation process was not interfered in.

It was determined that candidate B.A.Abil and the persons representing his interests had not filed any appeal to the Con.EC concerning the law violations claimed to have been committed in the polling stations. Non-submission of the acts compiled regarding the violations supposed to have taken place on the voting day impinges the reliability of those documents as valid evidences.

It was determined through evaluating the acts and other materials submitted by the plaintiff during the investigation that though those acts and materials that included certain law violation had not been submitted to the PEC and Con.EC within the time defined by the Election Code, the Con.EC investigated the cases fully, thoroughly and fairly and adopted a substantiated decision on that as their copies had been attached to the candidate's appeal filed to the Con.EC on November 10, 2015. Since the video disc and photos to be attached to the appeal had been available though offending Article 41.1.3 of the Election Code, they shall not be admitted as evidences.

In regard with duplicates in the voters' lists of that Con.EC, presented by the plaintiff it shall be noted that in spite of the occurrence of such a case in the voters' lists, those voters voted with one ballot paper, the foregoing case was settled and those persons were excluded from the voters' lists.

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.

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 # 182 of Abil Baybala Alibala, registered candidate nominated by "AZADLIG-2015" bloc of political parties on Garadagh Con.EC # 11, dated November 14, 2015 shall not be implemented due to groundlessness and the

Con.EC decision # 29/78, dated November 12, 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