

OPINION

of Ms. Valida Kazimova, member of Expert Group under CEC to investigate the complaints against actions (inactions) and decisions violating citizens' election rights in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015

on the appeal 03 submitted to CEC on September 21, 2015

Baku

21 September 2015

Having investigated the appeal # 03 submitted to CEC on September 21, 2015 by Shahriyar Sardar Majidzada nominated to deputy on its own initiative on Tartar Con.EC # 95 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015 as a member of Expert Group, Valida Kazimova, I have determined that:

Since the appeal had been submitted in comply with the Election Code of the Republic of Azerbaijan and the Instruction "On the rules for submission and processing of appeals and complaints on the violation of election rights to the Central Election Commission and Constituency Election Commissions of the Republic of Azerbaijan" and within the specified time period for submitting a complaint, it was accepted for implementation.

In his written apply addressed to the Central Election Commission on September 21, 2015 Shahriyar Sardar Majidzada nominated to deputy on its own initiative on Tartar Con.EC # 95 challenged the decision #6/61 of Con.EC adopted on September 19, 2015 and asked for cancellation of that decision.

The appeal was adopted for the implementation by me in comply with Articles 112 and 112-1 of the Election Code of the Republic of Azerbaijan and "Instruction on the rules for filing appeals and complaints to the Central Election Commission and Constituency Election Commissions of the Republic of Azerbaijan and their consideration" and basing on the principle of ensuring citizens' election rights, it was investigated in a legal manner.

The applicant was informed on the investigation, also noted on his right to take part in the investigation.

Through a full, comprehensive, fair and impartial investigation legal grounds were determined that the decision # 6/61 on refusal to register a candidate adopted by Tartar Con.EC # 95 on September 19, 2015 is unjustified.

It was determined by investigation that, submitted signature sheets by Sh.S.Majidzada with signatures of voters were collected according to the rules of Election Code. Thus, 529 of 550 voters' signatures collected by candidate were considered valid and it is enough for registration of a candidate.

Based on the foregoing, the complaint should be ensured, the decision # 6/61 on refusal to register Sh.S.Majidzada as a candidate adopted by Tartar Con.EC # 95 on September 19, 2015 should be cancelled and he should be registered as a candidate in that Con.EC.

According to the above-mentioned, pursuant to Articles 19.4, 28.2, 112, 112-1 of the Election Code of the Republic of Azerbaijan and items # 1, 2, 4, 6, 7 and 8 of “On the rules for submission and processing of appeals and complaints on the violation of election rights to the Central Election Commission and Constituency Election Commissions of the Republic of Azerbaijan”, **I have determined that:**

1. The appeal # 03 submitted by Shahriyar Sardar Majidzada nominated to deputy on its own initiative on Tartar Con.EC # 95 to the Central Election Commission on September 21, 2015 shall be ensured and the decision #6/61 on refusal to register him as a candidate adopted on September 19, 2015 shall be cancelled.
2. The opinion shall be published no later than 18 hours upon its adoption (shall be posted on the website) and its copy shall be sent to the applicant.

Expert Group member

Valida Kazimova