

## OPINION

of Mr. Gabil Orujov, 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 04 submitted to CEC on September 23, 2015

Baku

23 September 2015

Having investigated the appeal 04 submitted to CEC on September 23, 2015 of Bakhshali Ali Aliyev nominated to deputy on its own initiative on Zangilan-Gubadli Con.EC # 125 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015, as a member of Expert Group Gabil Orujov, I have determined that:

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 filing appeals and complaints to the Central Election Commission and Constituency Election Commissions of the Republic of Azerbaijan and their consideration" .

The candidate B.A.Aliyev noted in his appeal that, he nominated his candidacy on his own initiative on Zangilan-Gubadli Con.EC # 125 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015, submitted signature sheets with collected signatures of voters in this constituency and other necessary documents to the Con.EC, but it was unreasonably refused to register his candidacy due to the relevant decision of Con.EC.

The Con.EC justified the decision on the refusal to register B.A.Aliyev, nominated to deputy as a candidate, that the requirements of Articles # 58.1.5, 60.2.2 and 91.1 of Election Code had been violated in submission of signature sheets and other necessary documents.

It was determined in the process of investigation, B.A.Aliyev did not include the correct information on property belonging to him on the basis of the common ownership. Thus, it seems from the official documents submitted by relevant government agencies, B.A.Aliyev has got property on the basis of the common ownership and transport vehicle.

In addition, the candidate had violated requirements of Election Code on the opening a special election account.

Pursuant to Article # 60.2.2 of Election Code of the Republic of Azerbaijan, there is a basis for refusal to register candidate, if necessary election documents for registration of the candidate is not documented properly.

Thus, it was determined with comprehensive, objective and impartial investigation that there are not legal grounds for ensuring the complaint and cancellation of the disputed decision of Con.EC.

Based on the foregoing, the complaint should not be ensured, the decision # 15 of Con.EC on refusal to register B.A.Aliyev, nominated to deputy as a candidate adopted on September 21, 2015 on ZangilanGubadli Con.EC # 125 should remain in force unchanged.

Taking the above mentioned as a basis, pursuant to Articles 19.4, 28.2, 28.4, 59, 60, 112, 112-1, 148 of Election Code of the Republic of Azerbaijan and item # 1,2,4,6 and 7 of the” 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”, **I have determined that:**

1. The appeal # 04 submitted by Bakhshali Ali Aliyev nominated to deputy on its own initiative on Zangilan-Gubadli Con.EC # 125 to the Central Election Commission on September 23, 2015 is unjustified and shall not ensured and the decision #15 of Con.EC on refusal to register him as a candidate adopted on September 21, 2015 shall be remain in force.
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

Gabil Orujov