

OPINION

of Mr. Tofiq Hasanov, 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 05 submitted to CEC on September 23, 2015

Baku

23 September 2015

Having investigated the appeal 05 submitted to CEC on September 23, 2015 of Rashid Mikayil Najafli nominated to deputy on Agjabedi Con.EC # 82 by Musavat party in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015, as a member of Expert Group Tofiq Hasanov, 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.

By applying to the Central Election Commission on September 23, 2015, Rashid Mikayil Najafli being nominated to deputy on Agjabedi Con.EC # 82 by Musavat party notified that there were committed obstacles to his participation in process of examination of signature sheets and asked for taking legal activities on this.

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.

Pursuant to Article 59.3 of Election Code of the Republic of Azerbaijan, candidates on the relevant election commission, their authorized representatives, authorized representatives of political parties, blocs of political parties can participate in examination of signature sheets. The election commission should notify in advance those persons about examination of signature sheets. The election commission cannot protest or obstruct a person sent by candidate, political parties, and blocs of political parties in participation in these actions.

It can be seen that the participation of candidate nominated to deputy in examination of signature sheets have been identified in the Election Code. Therefore, the current appeal is justified and should be ensured, his participation in examination of signature sheets should be referred to the Con.EC.

Taking the above mentioned as a basis, pursuant to Articles 19.4, 28.2, 59, 112, 112-1 of Election Code of the Republic of Azerbaijan and items # 1,2,4,6,7 and 8 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 # 05 submitted by candidate Rashid Mikayil Najafli being nominated to deputy on Agjabedi Con.EC # 82 by Musavat party to the CEC on September 23, 2015 shall be ensured, , his participation in examination of signature sheets shall be referred to the Con.EC.
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

Tofiq Hasanov