

OPINION

of Mr.Irada Hajiyeva, 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 06 submitted to CEC on September 23, 2015

Baku

26 September 2015

In his apply addressed to the Central Election Commission of the Republic of Azerbaijan on September 23, 2015, Anvar Sardar Aghazada nominated its candidacy on "Umid" Party on Yardimli-Masalli Con.EC # 72 challenged the decision of Con.EC on rejection for his registration as a candidate and requested to restore violated rights by adopting appropriate decision.

I, Irada Hajiyeva, member of Expert Group examining the same decision defined the following:

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.

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.

During investigation it was defined that for the support of a candidate 100 voters' signatures in two signature sheets were collected by members and workers of the appropriate municipalities and with their participation in the territory of relevant Con.EC. Thus, requirements of Article 57.1 of Election Code were violated. So according to the same Article in spite of property form of state and municipal bodies, legal persons have not right to participate in collection of signatures.

At the same time it was determined that 40 persons who were noted in signature sheets as voters were not registered and residing in the territory of the same Con.EC. Pursuant to requirement of Article 56.2 of Election Code of the Republic of Azerbaijan voters' signatures should be collected in support of a candidate within the territory of the constituency for which he/she has been nominated.

Through a thorough, fair and impartial investigation at the basis of handed information, complaint being groundless shall not be implemented, decision # 11/32 (dated September 21, 2015) on rejection for registration A.S. Aghazada as a candidate on Yardimli-Masalli Con.EC # 72 shall stay in force without changes.

Taking the above mentioned as a basis, pursuant to Articles 112, 112-1, 147.1, 148.1 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 made an opinion::

1. The appeal # 06 (dated September 23, 2015) on nomination of Anvar Sardar Aghazada on "Umid" Party on Yardimli-Masalli Con.EC # 72 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015 being invalid and shall not be ensured and decision # 11/32 of Con.EC (dated September 21, 2015) shall be kept 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

Irada Hajiyeva