

OPINION

of Mr. Ramiz Ibrahimov, 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 09 submitted to CEC on September 24, 2015

Baku

26 September 2015

Having investigated the appeal submitted to CEC of the Republic of Azerbaijan on September 24, 2015, Gunel Maharram Safarova nominated on "Umid" Party on Nasimi first Con.EC # 21 in the Election to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015, Ramiz Ibrahimov, I have determined the following:

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 candidate G.M.Safarova noted in her appeal that, she was nominated on "Umid" Party on Nasimi first Con.EC # 21 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015, collecting signature of voters in the territory of the same constituency she submitted to the Con.EC signature sheets and other important documents attached to it, but Con.EC did not give her or the authorized representative information on checking of signatures and they being invalid, registration of her candidacy was rejected by appropriate decision of the Con.EC of the conducted Commission session dated September 23, 2015. At the same time it was noted that the date of decision adoption was indicated as September 22, 2015. He requested to cancel the same decisions of Con.EC saying that it is considered to be groundless and to register his candidacy on the same Con.EC.

During investigation it was kept in touch with complainer, the right to submit additional documents and to take part in investigation was explained to him.

At the same time it was kept in touch with Con.EC and explanation in connection with the mentioned in appeal was given. It is defined from submitted relevant explanation and decision of Con.EC that at present challenged decision was made on September 23, 2015. The date of submission in the copy of decision presented to the candidate to deputy was technical mistake and indicated as September 22, 2015. The relevant decision for excluding of technical mistake was made by Con.EC and its copy was sent to the interested person.

During investigation it was defined that decision of Con.EC on rejection for registration of candidacy of G.M. Safarova was based on determining competence of persons who collected signatures in 7 signature sheets and at the same time the fact of non-submission of list of authorized representatives on "Umid" Party to Con.EC was indicated.

During investigation for registration of candidate by Working Group acting under Central Election Commission at the result of examination of the necessary documents from composed protocols and opinions dated September 25, 2015 are seen that for the registration of G.M.Safarova as a candidate voters signatures in the signature sheets submitted by him were collected in accordance with rules defined in the Election Code. Thus, from 550 voters signatures collected by candidate, 468 signatures are considered to be valid and this is sufficient for the registration of a candidate.

Pursuant to Article 147.1 of Election Code of the Republic of Azerbaijan at least 450 voters' signatures should be collected in support of a candidate within the territory of the constituency for which he/she has been nominated.

At the same time it shall be noted that bases for rejection from registration were indicated in Article 60.2 of Election Code. Con.EC making decision on rejection for registration of the candidate to deputy based on circumstances showed within the same principles.

Pursuant to the mentioned, complaint being valid shall be ensured, decision #12/32 (dated September 22, 2015) on rejection for registration of candidate to deputy

G.M.Safarova on “Umid” Party as a candidate on the Nasimi first Con.EC # 23 shall be cancelled and he shall be registered as a candidate in the same Con.EC.

Taking the above mentioned as a basis, pursuant to Articles 59, 60, 112, 112-1, 147, 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 # 09 (dated September 24, 2015) on nomination of Gunel Maharram Safarova on “Umid” Party on Nasimi first Con.EC # 21 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015 shall be ensured, decision # 12/32 (dated September 22, 2015) of the same Con.EC on rejection for registration him as a candidate shall be cancelled.
2. Gunel Maharram Safarova nominated on “Umid” Party on Nasimi first Con.EC # 21 shall be registered as a candidate to the deputy on the same Con.EC.
3. 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

Ramiz Ibrahimov