

OPINION

of Mr.Rafiq Abbasov, 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 10 submitted to CEC on September 24, 2015 by candidate to deputy Ismayil Bashir Aghayev

Baku

26 September 2015

Having investigated the appeal # 10 submitted to CEC on September 24, 2015 by Ismayil Bashir Aghayev nominated its candidacy on its own initiative on Salyan-Neftchala Con.EC # 60 in the Election to the Milli Majlis on November 1, 2015, as a member of Expert Group, Rafiq Abbasov, 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.

Candidate to deputy, Ismayil Bashir Aghayev nominated on its own initiative on Salyan-Neftchala Con.EC # 60 appealed in a written form to the Central Election Commission on September 24, 2015 in the Election to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015, challenged the decision of Con.EC on rejection for registration as a candidate and requested to restore violated rights trough making relevant 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.

During investigation it was kept in touch with applicant, the right to take part in investigation was explained to him.

Through a thorough, comprehensive, fair and impartial investigation it was defined the following: the candidate I.B. Aghayev noted in his appeal that, he was nominated on its own initiative on Salyan-Neftchala Con.EC # 60 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015, collecting signature of the voters in the territory of the same constituency he submitted to the Con.EC signature sheets and other important documents attached to it, but being invalid registration of his candidacy was rejected by appropriate decision of the Con.EC.

Con.EC substantiated the decision on rejection for registration the candidacy of I.B. Aghayev that numbers of faithful voters' signatures were not sufficient for registration of its candidacy.

During investigation for registration of a 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 I.B. Aghayev 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 548 voters signatures collected by candidate, 467 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.

Pursuant to the mentioned, complaint being valid should be ensured, decision #10/26 (dated September 22, 2015) on rejection for registration as a candidate of I.B. Aghayev on Salyan-Neftchala Con.EC # 60 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 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 # 10 (dated September 24, 2015) on nomination of Aghayev Ismayil Bashir oghlu on its own initiative on Salyan-Neftchala Con.EC # 60 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015 shall be ensured, decision # 10/26 (dated September 22, 2015) of the same Con.EC on rejection for registration him as a candidate shall be cancelled.

2. Ismayil Bashir Aghayev nominated on its own initiative on Salyan-Neftchala Con.EC # 60 shall be registered as a candidate to the deputy on the same 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

Rafiq Abbasov