

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 13 submitted to CEC on September 26, 2015

Baku

28 September 2015

Authorized representative of "Musavat" Party Fakhraddin Hamid Abbas made written apply addressed to the Central Election Commission on September 26, 2015 challenged the decision of Con.EC on rejection for nominating Vafa Asif Abbasova nominated on "Musavat" Party on Sumgayit-Khizi Con.EC # 44 as a candidate and requested to restore violated rights by adopting appropriate decision.

Having investigated the appeal 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 me.

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 authorized representative F.H.Abbas noted in his appeal that, according to Election Code for the support of V.A.Abbasova nominated on "Musavat" Party on Sumgayit-Khizi Con.EC # 44 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015, collecting signatures of voters in the territory of the same constituency, signature sheets and other important documents attached to it was submitted to the Con.EC, but being invalid registration of her candidacy was rejected by appropriate decision of the Con.EC.

Con.EC substantiated the decision on rejection for nomination the candidacy of V.A.Abbasova on "Musavat" Party that voters' signatures for the support of candidate were collected violating rules of Election Code.

During investigation it was defined that 132 persons were included in signature sheets as voters but they do not registered and residing in the territory of the same Con.EC.

Pursuant to Articles 56.2 and 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.

Candidate V.A.Abbasova collected 550 voters' signatures for her support but pursuant to the requirement of Article 59.12 of Election Code, according to the above-mentioned reasons 132 of that collected signatures are considered to be invalid and the rest number of voters' signatures are not enough for registration, so she shall not be registered as a candidate.

Through a full, comprehensive, fair and impartial investigation legal grounds were determined that complaint being invalid shall not be implemented, decision #16/42 (dated September 23, 2015) on rejection for registration V.A.Abbasova as a candidate on the Sumgayit-Khizi Con.EC # 44 shall be kept in force without making amendments.

Taking the above mentioned as a basis, pursuant to Articles 19.4, 28.2, 56, 57, 59.12, 60, 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 have determined that:**

1. The appeal # 13 (dated September 26, 2015) of authorized representative of "Musavat" Party Fakhraddin Hamid Abbas in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015 being invalid shall not be implemented and decision # 16/42, dated September 23, 2015, of Sumgayit-Khizi Con.EC # 44 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

Tofiq Hasanov