

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 17 submitted to CEC on September 27, 2015

Baku

29 September 2015

Having investigated the appeal submitted to CEC on September 27, 2015 by Rashid Mikayil Najafli nominated its candidacy on "Musavat" Party on Aghjabadi Con.EC # 82 in the Election to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015, as a member of Expert Group, Rafiq Abbasov, 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 R.M. Najafli noted in his appeal that, he was nominated on "Musavat" Party on Aghjabadi Con.EC # 82 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 he submitted to the Con.EC signature sheets and other important documents attached to it, but Con.EC did not give him information on checking of signatures, his participation in checking signatures was not ensured, at the result with relevant decision of Commission dated September 25, 2015 adopted in session, being invalid registration of his candidacy was rejected by appropriate decision of the Con.EC.

In decision # 11/29 of Con.EC dated September 25, 2015, it was rejected to register candidate basing on that nominated R.M. Najaflii submitted 550 voters' signatures but

224 of them are considered to be invalid, 5 voters' signatures are alike and even patronymic of one voter was not indicated. At the same time, candidate did not come to the meeting in connection with checking of signatures in signature sheets and this fact is shown in decision.

During investigation it was kept in touch with complainer, he was explained that he has right to take part in investigation and submit additional documents. He came to the Central Election Commission on September 29, 2015 and he was accepted by me. He informed that he wished to participate in session where complaint supported by him shall be considered, he did not submit additional documents.

Conducted investigation showed that even if Con.EC did not exactly reflect all determined cases and basis in its decision, at the basis of indicated it made right conclusion in connection with rejection for registration of R.M. Najafli as a candidate to deputy and decision shall be valid.

So, for the registration of a candidate on behalf of a candidate, it was submitted 550 voters' signatures in 11 signature sheets but 224 voters making written apply to the Constituency Election Commission showed that they were cheated in process of giving signatures and they did not know that the same signatures were for the support of candidate to deputy. During investigation, application on invalidity of signatures was give, appeal to the voters was made and they confirmed the fact of giving application to Con.EC in connection with the mentioned case.

Pursuant to the Article 113.1.1 of Election Code, the election commission can refuse registration of a candidate, election campaign group on referendum if the information they submit according to this Code is not true or their invalidity is of great importance (except the cases mentioned in Article 60.3 of this Code.)

On behalf of a candidate for the registration of a candidate 224 submitted voters' signatures at the basis of mentioned are considered to be invalid and have important meaning and after exclusion of the same signatures the rest of 326 voters' signatures were not enough for the registration of a candidate, so on behalf of working group acting under Central Election Commission there were no necessity in checking of signatures

that were considered to be invalid by Con.EC on other basis. Pursuant to the mentioned, rejection to register candidate to deputy by Con.EC shall be valid.

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 invalid shall not be implemented; decision #11/29, dated September 25, 2015 on rejection for registration of candidacy on Aghjabadi Con.EC # 82 shall be kept in force without changes.

Taking the above mentioned as a basis, pursuant to Articles 112, 112-1, 113.1.1, 147 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 # 17, dated September 27, 2015, on nomination of Rashid Mikayil Najafli on "Musavat" Party on Aghjabadi Con.EC # 82 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015 being invalid shall be not implemented, decision # 11/29 of the same Con.EC on rejection to register candidacy, dated September 25, 2015, shall be kept in force without being amended.

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

Ramiz Ibrahimov