

OPINION

of Mr.Rafig 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 18 submitted to CEC on September 30, 2015

Baku

02 October 2015

Having investigated the appeal # 18 submitted to CEC on September 30, 2015 by Babali Hafiz Arkoyun, nominated on his own initiative on Sumgayit second Con.EC # 42 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015 as a member of Expert Group, Rafig 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.

In his written apply addressed to the Central Election Commission on September 30, 2015, Babali Hafiz Arkoyun, nominated on his own initiative on Sumgayit second Con.EC # 42 challenged the decision of Con.EC on refusal to register his candidacy and requested for the redress of his violated rights upon making a 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.

The applicant was informed on the investigation, also noted on his right to take part in the investigation.

Through a full, comprehensive, fair and impartial investigation legal grounds were determined that H.A.Babali had been nominated on own initiative on Sumgayit second Con.EC # 42 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015, signature sheets and other necessary documents attached to them were submitted to the Con.EC upon collecting voters' signatures within that constituency, but the Con.EC refused from registering his candidacy without any grounds.

The Con.EC substantiated its decision on the refusal from registering nominee H.A.Babali on the grounds that the number of valid voters' signatures to register the candidate had not been sufficient, meanwhile, the information included in the documents on the candidate's property had not been accurate.

The protocol and opinions dated October 1, 2015, compiled by the Working Group under the Central Election Commission upon the examination of the necessary documents for the registration of the candidate reveal that the voters' signatures included in signature sheets submitted for the registration of H.A.Babali had been collected in comply with the rules enshrined in the Election Code. Thus, 469 of voters' signatures collected by the candidate were considered valid, which is sufficient to register him.

Pursuant to Article # 147.1 of Election Code of the Republic of Azerbaijan, at least 450 voters' signatures shall be collected in support of the candidate within the constituency the candidate has been nominated on.

During the investigation it was not justified that H.A.Babali had provided the Con.EC with inaccurate information on property which belonged to him.

Basing on the above-mentioned, the complaint shall be implemented due to grounded factors and the decision # 19/40 of Sumgayit second # 42, dated September 29, 2015 on the refusal from registering the candidacy of H.A.Babali shall be annulled and he shall be registered as a candidate.

Taking the above mentioned as a basis, pursuant to Articles 19.4, 28.2, 59, 60, 112, 112-1 of Election Code of the Republic of Azerbaijan and item # 1, 2, 4, 6,7 and 8 of the "Instruction on the rules for submission and investigation of the appeals and complaints filed to the Central Election Commission of the Republic of Azerbaijan and Constituency Election Commissions", **I have determined that:**

1. The appeal # 18 submitted by Babali Hafiz Arkoyun, nominated on his own initiative on Sumgayit second Con.EC # 42 on September 30, 2015 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015 shall be implemented due to grounded factors and the decision # 19/40 of that Con.EC dated September 29, 2015 shall be annulled.
2. Babali Hafiz Arkoyun, nominated on his own initiative on Sumgayit second Con.EC # 42 shall be registered as a candidate on that election constituency.
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

Rafiq Abbasov