

OPINION

of Mr. **Valida Kazimova**, member of Expert Group under CEC of the Republic of Azerbaijan 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 19 submitted to CEC on September 30, 2015

Baku

2 October 2015

In his apply addressed to the Central Election Commission of the Republic of Azerbaijan on September 30, 2015, authorized representative of "Umid" Party Igbal Feyruz Aghazada, challenged the decision of Con.EC on rejection for registration Tamilla Famil Mammadova as a candidate nominated on "Umid" Party on Tartar Con.EC # 95 and through making relevant decision requested to restore violated rights of a candidate by adopting appropriate decision.

I, Valida Kazimova, member of Expert Group examining the same decision defined the following:

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.

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 as indicated in application the following claims were not confirmed: checking of signature sheets and necessary documents for registration, non-invitation of a candidate to the session of Con.EC, non-submitting of protocol on results of checking signatures by Working Group to him.

At the same time, expert group acting under Central Election Commission checking 169 voters' signatures (that are generally considered to be invalid by Con.Ec) were defined that 122 from 169 voters' signatures are invalid.

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 requirement of Article 59.12 of Election Code in accordance with above-mentioned by following reasons: 122 of 550 voters' signatures were defined to be invalid and number of the rest voters' signatures were not enough for registration, he shall not be registered as a candidate.

Through a thorough, fair, comprehensive and impartial investigation at the basis of handed information, complaint being groundless shall not be implemented, decision # 10/78 (dated September 28, 2015) on rejection for registration T.F.Mammadova as a candidate on Tartar Con.EC # 95 shall stay in force without being amended.

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 # 19 submitted by Agha-zade Iqbal Fehrüz, authorized representative of "Umid" Party on September 30, 2015 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015 shall not be implemented due to groundlessness and Tamilla Famil Mammadova nominated its candidacy on "Umid" Party on Tartar Con.EC # 95, the decision # 10/78 of that Con.EC dated September 28, 2015 on

rejection to register as candidate to deputy shall be remained in force without making amendments.

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

Valida Kazimova