

OPINION

of Mr. **Gabil Orujov**, 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 20 submitted to CEC on September 30, 2015

Baku

2 October 2015

Having investigated the appeal submitted to CEC on September 30, 2015 by Taryel Fazil Valiyev nominated its candidacy on Jabrayil-Gubadli Con.EC # 120 in the Election to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015, as a member of Expert Group, Gabil Orujov, 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.

In his appeal candidate T.F.Valiyev informed that he had been nominated on own initiative on Jabrayil-Gubadli Con.EC # 120 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 justified the decision on the refusal to register T.F.Valiyev, nominated to deputy as a candidate that there had not been a sufficient number of valid signatures of voters for the registration of candidate.

During the investigation process the applicant was contacted with, informed on the right to submit additional documents and materials, to participate in the investigation and session.

During the investigation of the working group under CEC, it seems from the protocol and opinions that, 102 signatures were considered valid and 125 signatures were considered invalid in the examination process of 227 voters' signatures considered invalid by the Con.EC.

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

It was determined basing on the foregoing that, the number of signatures in support of candidate T.F.Valiyev collected for his registration was less than specified by the Election Code and he shall not be registered as a candidate due to the Article # 59.12 of the Election Code.

Basing on the above-mentioned, the complaint shall not be implemented due to groundlessness and the decision # 17/43 of Jabrayil-Gubadli Con.EC # 120, dated September 27, 2015 on the refusal from registering the candidacy shall be remained in force without making amendments.

Taking the above mentioned as a basis, pursuant to Articles 19.4, 28.2, 59.12, 60, 112, 112-1, 147, 148.1 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 # 20 submitted by Taryel Fazil Valiyev, nominated on his own initiative on Jabrayil-Gubadli Con.EC # 120 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 the decision # 17/43 of that Con.EC dated September 27, 2015 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

Gabil Orujov