

JOINT OPINION

of Mr.Tofig Hasanov and Ms.Irada Hajiyeva, members 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 appeals 22 submitted to CEC on October 01, 2015 and 23 submitted to CEC on October 02, 2015

Baku

02 October 2015

Having investigated the appeals submitted to CEC on October 01, 2015 by Khanbalayev Orkhan Zahid, authorized representative of Elmira Huseyn Akhundova, registered candidate on Masalli village Con.EC # 71, on October 2, 2015 by Maharramov Elnur Garib, self-nominated candidate on that election constituency, registered candidates Ahadov Jumshud Novruz and Mammadov Alig Naghi in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015, as a members of Expert Group Tofig Hasanov and Irada Hajiyeva, we have determined that:

The complaint was adopted for the implementation 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 within the specified time period for submitting a complaint, it was accepted for implementation by us.

On October 1, 2015 Khanbalayev Orkhan Zahid, authorized representative of Elmira Huseyn Akhundova, registered candidate on Masalli village Con.EC # 71 and on October 2, 2015 Maharramov Elnur Garib, self-nominated candidate on that election constituency, registered candidates Ahadov Jumshud Novruz and Mammadov Alig Naghi appealed to the Central Election Commission regarding the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015 and claiming that Ganbarov Gulagha Mami who had been nominated on own initiative on that constituency conducted pre-election campaign before the defined period despite the long time period prior to the start of pre-election campaign, informed on his meeting with many voters and money offer to them in different amount, thereby influencing the voters, and therefore, requested to undertake relevant measures.

The complaint was adopted for the implementation 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", relevant opinion was provided on this issue by a member of the Expert Group under CEC and considered at the Commission session upon the investigation of the appeal by the Expert Group member.

Through a full, comprehensive, fair and impartial investigation legal grounds were determined that appeals are submitted through the violation of the Election Code of the Republic of Azerbaijan and relevant instruction and investigation shall be made on sending those appeals on destination.

Pursuant to Article 112 of Election Code of the Republic of Azerbaijan the election subjects shall submit the complaint to the relevant election commission. If the complaint is not ensured initially by the high election commission, the complaint on decision or action (inaction) of the Con.EC may be submitted to the Central Election Commission.

Pursuant to Article 32.2.4 of Election Code of the Republic of Azerbaijan the relevant Con.EC exercise equal pre-election activity for campaign subjects within the territory of the Con.EC.

Pursuant to Article 112-1.12 of the Election Code of the Republic of Azerbaijan and item # 8.6 of the above-mentioned Instruction, if an appeal or complaint is not within a competence of Expert Group and is submitted through the violation of destination rules, then a decision shall be made on sending that appeal on destination.

Taking the above mentioned as a basis, pursuant to Articles 19.4, 28.2, 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", **we have determined that:**

1. The appeal # 22 dated October 1, 2015 and the appeal # 23 dated October 2, 2015 submitted by Khanbalayev Orkhan Zahid, authorized representative of Elmira Huseyn Akhundova, registered candidate on Masalli village Con.EC # 71, Maharramov Elnur Garib, self-nominated candidate on that election constituency, registered candidates Ahadov Jumshud Novruz and Mammadov Alig Naghi in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015 shall be sent for investigation to Masalli village Con.EC # 71.
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 members

Tofiq Hasanov
Irada Hajiyeva