

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 25 submitted to CEC on October 02, 2015

Baku

05 October 2015

Having investigated the appeal submitted to CEC of the Republic of Azerbaijan on October 02, 2015 by Tanzila Yolchu Rustamkhanli nominated its candidacy on Sumgayit second Con.EC # 42 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 for making right opinion.

In her appeal candidate T.Y.Rustamkhanli informed that she 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 her candidacy without any grounds.

During investigation process the candidate to deputy was contacted, informed on her rights to submit additional documents and materials. She noted that she supported her complaint, wanted to take part in session, requested to invite her authorized representative to investigation and session.

It was kept in touch with Asif Gurbanov, the authorized representative of T.Y. Rustamkhanli, and given information on implementation of investigation. It was explained that she has right to take part in investigation and session, even his participation in session was ensured.

The Con.EC substantiated its argued decision # 22/48, dated October 2, 2015 on the refusal from registering the candidacy of T.Y.Rustamkhanli on the grounds that 183 voters who have provided to 550 voters' signatures submitted to the candidate had appealed to the Con.EC and informed that they had provided signatures as a result of betrayal and did not know that those signatures were in support of the plaintiff.

During investigation it was defined from certificate submitted by the Con.EC that the authorized representative of the candidate to deputy was informed on the session a day before, invited to the session and his participation was ensured at session on October 2, 2015.

It was determined through the investigation that the Con.EC investigated and embodied all the cases in its decision basing on the appeals of the voters who had applied with the appeal on considering the signatures invalid and pursuant to Article 113.1.1 of the Election Code, the Con.EC arrived in correct conclusion to refuse from registering the candidacy of T.Y.Rustamkhanli.

Thus, 183 voters who have provided to 550 voters' signatures submitted for the candidate registration had appealed to the Con.EC and informed that they had provided signatures as a result of betrayal and did not know that those signatures were in support of the plaintiff. During the investigation process, those voters justified that they had appealed to the Con.EC on considering the voters' signatures invalid.

Pursuant to Article 113.1.1 of the Election Code, the election commission shall refuse from registering the candidate when the information submitted by them is not accurate or their invalidity is of great importance (excluding the cases implied by Article 60.3 of the Election Code).

Since the invalidity of 183 signatures out of those submitted for the registration of the candidate carries vital importance due to the above-mentioned grounds and after those

signatures are excluded, the remaining 367 signatures were not sufficient for the candidate's registration, the Working Group under the Central Election Commission did not need to examine the other signatures.

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.

Basing on the above-mentioned, the complaint shall not be implemented due to groundlessness and the decision # 22/48 of Sumgayit second con.EC # 42, dated October 2, 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 112, 112-1, 113.1.1, 147 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 # 25 submitted by Rustamkhanli Tanzila Yolchu, nominated on own initiative on Sumgayit second Con.EC # 42 on October 2, 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 # 22/48 of that Con.EC dated October 2, 2015 shall be remained in force.

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