

OPINION

of Mrs. **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 27 submitted to CEC on October 3, 2015

Baku

5 October 2015

In his apply addressed to the Central Election Commission of the Republic of Azerbaijan on October 3, 2015, Garay Khalil Asadov nominated its candidacy on its own initiative on Yasamal first Con.EC # 15 challenged the decision of Con.EC on rejection for his registration as a candidate and requested to restore violated rights 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.

In his appeal candidate G.Kh.Asadov informed that he had been nominated on own initiative on Yasamal first Con.EC # 15 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 G.Kh.Asadov 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 imprisonment had not been accurate.

During the investigation process the applicant was contacted with, his participation in the investigation and session was ensured.

The protocol and opinions dated October 4, 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 G.Kh.Asadov had been collected in comply with the rules enshrined in the Election Code. Thus, 515 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.

At the same time it was not justified that G.Kh.Asadov had provided the Con.EC with inaccurate information on the unserved or unimplemented imprisonment.

Through a thorough, fair, comprehensive and impartial investigation at the basis of handed information it was defined that, complaint shall be implemented due to grounded factors and the decision # 23/50 of Yasamal first Con.EC # 15, dated October 1, 2015 on the refusal from registering the candidacy of G.Kh.Asadov shall be annulled and he shall be registered as a candidate.

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 # 27 submitted by Asadov Garay Khalil, nominated on his own initiative on Yasamal first Con.EC # 15 on October 3, 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 # 23/50 of that Con.EC dated October 1, 2015 shall be annulled.

2. Asadov Garay Khalil, nominated on his own initiative on Yasamal first Con.EC # 15 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

Valida Kazimova