

## 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 28 submitted to CEC on October 03, 2015

Baku

05 October 2015

Having investigated the appeal 28 submitted to CEC on October 03, 2015 by Huseyn Panah Chodar, authorized representative of "AZADLIG-2015" bloc of political parties in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015, as a member of Expert Group Gabil Orujov, I 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 me.

In the appeal the authorized representative informed that the candidacy of G.B.Sadigov had been nominated by "AZADLIG-2015" bloc of political parties on Sabirabad second Con.EC # 64 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 argued decision #17/57 adopted on October 02, 2015 on the refusal from registering the candidacy of G.B.Sadigov on the grounds that 197 of 550 voters' signatures submitted by the candidate were invalid.

It was determined through the investigation that although the Con.EC did not cover all the cases and grounds in its decision, it arrived in correct conclusion to refuse from the registration of the candidacy of G.B.Sadigov.

Thus, 197 voters who have provided to 550 voters' signatures included in 11 signature sheets 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 held at the Central Election Commission 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 197 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 353 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 considered invalid by the Con.EC due to other grounds.

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 # 17/57 of Sabirabad second con.EC # 64, 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 submission and investigation of the appeals and complaints filed to the Central Election Commission of the Republic of Azerbaijan and Constituency Election Commissions", **I have determined that:**

1. The appeal # 28 submitted by Huseyn Panah Chodar, authorized representative of "AZADLIG-2015" bloc of political parties on October 3, 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 # 17/57 of that Con.EC dated October 2, 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