

OPINION

of Ms.Irada Hajiyeva, 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 31 submitted to CEC on October 5, 2015

Baku

7 October 2015

In the appeal addressed to the Central Election Commission on October 5, 2015, Aliyeva Punhana Sadi, nominee on own initiative on Tartar Con.EC # 95 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015 challenged the decision of Con.EC on refusal to register her candidacy and requested for the redress of her violated rights upon making a relevant decision.

Having investigated the appeal as a member of Expert Group, Irada Hajiyeva, I have determined that:

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 by me.

During the investigation it was determined that, the Con.EC substantiated its argued decision on the refusal from registering the candidacy of P.S.Aliyeva on the grounds that the voters' signatures in the support of the candidate collected had been collected under the violation of the rules enshrined in the Election Code of the Republic of Azerbaijan. Thus, 114 of the voters included in signature sheets did not live within the territory of that Con.EC, noted information 23 of the voters was incorrect.

Pursuant to Articles 56.2 and 147.1 of the 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.

Since 137 of signatures out of 550 collected in support of candidate P.S.Aliyeva are considered invalid and the number of the remaining signatures is not sufficient for the candidate's registration, she shall not be registered as a candidate pursuant to Article 59.12 of the Election Code of the Republic of Azerbaijan.

Through a full, comprehensive, fair and impartial investigation legal grounds were determined that the complaint shall not be implemented due to groundlessness and the decision # 11/84 of Tartar Con.EC # 95, dated October 3, 2015 on the refusal from registering the candidacy of P.S.Aliyeva shall be remained in force without making amendments.

Taking the above mentioned as a basis, pursuant to Articles 112, 112-1, 147.1 and 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 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 # 31 submitted by Aliyeva Punhana Sadi, nominee on own initiative on Tartar Con.EC # 95 on October 5, 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 # 11/84 of that Con.EC dated October 3, 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

Irada Hajiyeva