

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 33 submitted to CEC on October 5, 2015

Baku

7 October 2015

Having investigated the appeal 33 submitted to CEC on October 5, 2015 by Hajizadeh Jamil Malik, nominee on Binagadi second Con.EC # 9 on his own initiative in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015. as a member of Expert Group Ramiz Ibrahimov, 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 submission and investigation of the appeals and complaints filed to the Central Election Commission of the Republic of Azerbaijan and Constituency Election Commissions", 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.

In his appeal candidate J.M.Hajizadeh informed that he had been nominated on own initiative on Binagadi second Con.EC # 9, collected signatures within that election constituency and although attempted to submit signature sheets and other election documents to the Con.EC at 17.38 on October 2, 2015, the Con.EC did not receive the documents and afterwards, refused to receive them stating that the deadline for submitting the documents had passed and a relevant act was also compiled on this.

During the investigation process, the candidate to deputy who has appealed was contacted and informed on his rights to submit additional documents and materials, also to participate in the investigation and session

It was determined in the investigation process that J.M.Hajizadeh appealed to Binagadi second Con.EC # 9 with a Notification on nomination of his candidacy to deputy on September 23, 2015, his candidacy was approved by the Con.EC decision # 19/2, dated September 27, 2015 and was provided signature sheets on October 1, 2015 to collect voters' signatures in support of the candidacy. Upon his appeal, he was provided with one more signature sheet at 15.55 on October 2, 2015.

An act dated October 2, 2015 and letter dated October 6, 2015 submitted by The Con.EC regarding the investigation, candidate to deputy J.M.Hajizadeh applied to the Con.EC at 18.00 on October 2, 2015 to submit signature sheets and the attached documents. After he was explained on the requirements of Article 58.1 of the Election Code, he refused from submitting relevant documents to the Con.EC.

Pursuant to Article 58.1 of the Election Code of the Republic of Azerbaijan, the election documents necessary for the candidate registration shall be submitted by the candidate or authorized representative of a political party, bloc of political parties to the relevant election commission at most 50 days and at least 30 days, till 18.00 prior to the voting day.

Pursuant to the item # 2.3 of the "Instruction on the rules for the collection and submission of voters' signatures in support of a verified candidate to deputy to the Constituency Election Commission in the Elections to the Milli Majlis of the Republic of Azerbaijan", Con.EC shall receive signature sheets from 9.00 to 18.00 as defined in the Election Code. The signature sheets submitted after the defined deadline do not provide the same legal effect as the signature sheets filed within the defined time period do.

Basing on the above-mentioned, the complaint of candidate to deputy J.M.Hajizadeh on the inaction of the Con.EC shall not be implemented due to groundlessness.

The latest period for submitting the documents for the candidate registration in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015 ends at 18.00 on October 2, 2015.

Pursuant to the item # 2.3 of the "Instruction on the rules for the collection and submission of voters' signatures in support of a verified candidate to deputy to the Constituency Election Commission in the Elections to the Milli Majlis of the Republic of Azerbaijan", Con.EC shall receive signature sheets from 9.00 to 18.00 as defined in the Election Code. The signature sheets submitted after the defined deadline do not provide the same legal effect as the signature sheets filed within the defined time period do.

Basing on the above-mentioned, the complaint of candidate to deputy J.M.Hajizadeh on the inaction of the Con.EC shall not be implemented due to groundlessness.

Pursuant to Articles 19.4, 28.2, 58.1, 112 and 112-1 of Election Code of the Republic of Azerbaijan and item # 1, 2, 4, 6 and 7 of "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",

I have determined:

1. The appeal # 33 submitted by Hajizadeh Jamil Malik, nominated on own initiative on Binagadi second Con.EC # 9 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.
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