

OPINION

of Mr.Rafiq Abbasov, 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 34 submitted to CEC on October 5, 2015

Baku

October 7, 2015

Having investigated the appeal # 34 submitted to CEC on October 6, 2015 by Ibrahimov Aghasif Shakir, nominated on own initiative on Binagadi first Con.EC # 8 informed that the Con.EC did not review signature sheets and election documents submitted for his registration as a candidate and requested for the redress of his violated rights. As a member of Expert Group, 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 A.Sh.Ibrahimov informed that he had submitted signature sheets and other election documents to the Con.EC within the defined period, , but the Con.EC adopted a decision on keeping the submitted documents without reviewing groundlessly.

The Con.EC substantiated its relevant decision that candidate A.Sh.Ibrahimov had filed the signature sheets and other election documents at 18.34 on October 2, 2015 and signed the relevant reference on this.

It was determined in the investigation process that the signature sheets and other election documents for the candidate's registration had been filed upon missing the deadline implied in election legislation and due to that reason, the documents were kept without reviewing.

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.

Since Binagadi first Con.EC # 8 correctly concluded on the relevant documents submitted for the registration of A.Sh.Ibrahimov as a candidate, the relevant Con.EC decision # 24/1, dated October 2, 2015 shall be remained in force without being amended

Pursuant to Articles 19.4, 28.2, 112 and 112-1 of Election Code of the Republic of Azerbaijan and item # 1, 2, 6 and 7 of the “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 that:**

1. The appeal # 34 submitted by Ibrahimov Aghasif Shakir, nominated on own initiative on Binagadi first Con.EC # 8 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 # 24/1 of that Con.EC dated October 2, 2015 shall be annulled.

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

Rafiq Abbasov