

## Opinion

**of Mr. Ilham Mammadov Mrs. Irada Hajiyeva, Mr. Rafiq Abbasov, members of Expert Group under Central Election Commission to investigate the complaints against actions (inactions) and decisions violating citizens' election rights in the repeat Elections to the Milli Majlis of the Republic of Azerbaijan on June 18, 2016, on Aghdash Con.EC # 90 on the appeal # 03 submitted to CEC on May 17, 2016 and appeals # 04 and 05 submitted to CEC on May 18, 2016**

Baku

19 May 2016

We, members of Expert Group, Mr. Ilham Mammadov Mrs. Irada Hajiyeva, Mr. Rafiq Abbasov investigating appeal # 03 presented to CEC of the Republic of Azerbaijan on May 17, 2016 by Tabriz Sohrab Dadashov, authorized representative of Azerbaijan Umid Party, in the repeat Elections to the Milli Majlis of the Republic of Azerbaijan on Aghdash Con.EC # 90, appointed to June 18, 2016 and appeals # 04 and 05 presented to CEC on May 18, 2016 by Taleh Mahammad Aliyev, authorized representative of Azerbaijan Umid Party and Elman Abdulla Abbasov, deputy chairman of the same party, defined the following:

The appeals were 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 written apply addressed to the Central Election Commission, on May 17, 2016, Tabriz Sohrab Dadashov, authorized representative of Azerbaijan Umid Party, in the repeat Elections to the Milli Majlis of the Republic of Azerbaijan on Aghdash Con.EC # 90, appointed to June 18, 2016 pursuant to the written apply (on May 18, 2016 made to the Central Election Commission)of Taleh Mahammad Aliyev, authorized representative of Azerbaijan Umid Party and Elman Abdulla Abbasov, deputy chairman of the same party claimed that chairman of the same Con CE and Cavid Osmanov, candidate registered to deputy made pressure on voters who gave votes in favor of candidate to deputy Iqbal Fehrüz Agha-zada, applications on refusal from signatures were taken them, on May 6,7,8 2016, in period of collecting voter's signatures for the support of candidate to deputy I.F. Agha-zada, supporters of the registered candidate C.Osmanov made pressure on voters, local executive and municipal bodies helped them in this case, apply in connection with the violations was repeatedly made to the chairman of the appropriate Con.EC but no measures were implemented by him as well as pre-election campaign was carried out before its established term in social net and Khinakhli village of Aghdash region, in connection with the above mentioned it was requested to implement events defined with the law.

During the investigation process, the authorized representative T. Dadashov who had

appealed was contacted and informed on his rights to submit additional documents and materials, also to participate in the investigation and session. Although he was invited to take part at the session and participated in session. T.Dadashov in his appeal informed that he did not have any evidences, documents or materials embracing claim on law violations.

During investigation of the appeal made by T.Dadashov it was determined that I.F.Agha-zada was nominated to deputy on behalf of Azerbaijan Umid Party in the repeat Elections to the Milli Majlis of the Republic of Azerbaijan on Aghdash Con.EC # 90 on May 2, 2016 and nomination of his candidacy was approved with the decision # 7/19 (on May 6, 2016) of the same Con.EC. Further, with the purpose of collecting signatures in support of the candidate, signature sheets in appropriate number was presented to the authorized representative Anvar Agha-zada, on May 14, 2016, signature sheets and other documents indicated in Article # 58.1 of Election Code added to them were presented to the same Con.EC for the registration of the candidate.

In connection with investigation, the following was shown in notification made by chairman of Aghdash Con.EC # 90: equal opportunities and conditions were created for usage of eligibility by I.F. Agha-zada whose candidacy in elections was nominated on behalf of Azerbaijan Umid Party, his candidacy to deputy was approved as well as appropriate number of signature sheets was presented to him. Currently, returned signature sheets and other election documents are being examined by expert group acting under Con.EC.

Further, it was noted in notification of chairman of the above-mentioned Con.EC that any pressure on voters was made neither by him nor by members of the Con.EC and by the employers of secretariat.

During investigation registered candidate Cavid Osmanov mentioned in complaint noted in his presented notification that he did not have any preconceived relation to candidate to deputy I.F. Agha-zada, made no pressure on persons who voted in his favor with the purpose to intend them to reject from their signatures and did not know persons who voted in his favor.

During investigation, violations noted in complaint, were not approved, the same appeal shall not be implemented due to groundlessness.

Furthermore, during consideration of the appeals (made by T.M.Aliyev, the authorized representative of Azerbaijan Umid Party and E.A.Abbasov, deputy chairman of the same party) it was determined that on May 6, 7 and 8, 2016, during collection of voters' signatures, appeals were presented after deadline indicated in election legislation and for that reason appeals shall be returned to the applicants. Thus, pursuant to the Article # 112.1 of Election Code of the Republic of Azerbaijan and the above-mentioned Instruction item # 4.1.2 on rules of presenting appeals and complaints (in connection with violation of election rights) to Central Election Commission of the Republic of Azerbaijan and Con.ECs and their consideration, election subjects have right to appeal

within 3 days beginning from the day of receiving information on action (inaction) that took place and from day of accepting and publication of the decision on action (inaction) and decision violating suffrage of citizens.

During investigation, written notification, presented by chairman of the appropriate Con.EC shows that no written and oral appeal on law violations that claimed to be during collecting of votes in the same Con.EC was not presented by the representatives of Azerbaijan Umid Party (who applied to the Central Election Commission), for that reason appeals shall not be implemented due to the groundlessness.

Besides, appeal in connection with claims on carrying out pre-election campaign before its established term in social net and Khinakhli village of Aghdash region by C.Osmanov shall be sent to the same authorized appropriate Con.EC for its investigation. Thus, pursuant to the item # 8.6 of the Instruction on complaints and appeals in connection with violations of election rights (presented to the Central Election Commission of the Republic of Azerbaijan and Con.ECs) and rules of their consideration, if complaint was issued with violation of the relevant rules, then decision on sending the same appeal to the appropriate place shall be made.

Taking the above mentioned as a basis, pursuant to Articles 19.4, 28.2, 59, 60, 112 and 112-1 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", the Central Election Commission we **made an opinion**:

1. The appeal # 03 presented to Central Election Commission of the Republic of Azerbaijan on May 17, 2016 by Tabriz Sohrab Dadashov, authorized representative of Azerbaijan Umid Party in the repeat Elections to the Milli Majlis of the Republic of Azerbaijan on Aghdash Con.EC # 90, appointed to June 18, 2016 shall not be implemented due to groundlessness.
2. The appeals # 04 and 05 presented to Central Election Commission of the Republic of Azerbaijan on May 18, 2016 by Taleh Mahammad Aliyev, authorized representative of Azerbaijan Umid Party and Elman Abdulla Abbasov, deputy chairman of the same party shall be sent back on the same part to the applicants for the reason that it was presented after its term determined with the law as well as in part of inaction of chairman of Con.EC shall not be ensured due to its groundlessness.
3. The appeal (made by the registered candidate, C.Osmanov) in the part of claims on violation of legislation demands in connection with pre-election campaign shall be sent appropriately to Aghdash Con.EC # 90 for its examination.
4. Opinion shall be published from day of its adoption no later than 18 hours from that period (placed in internet site) and its copy shall be sent to the applicants.

**Member of Expert Group**

**Ilham Mammadov**

**Irada Hajiyeva**

**Rafiq Abbasov**