

OPINION

of Mr.Bakhsheyish Askerov, member of Expert Group under CEC 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 consideration of the appeal # 06 submitted to the Central Election Commission on May 18, 2016 in the repeat Elections to the Milli Majlis of the Republic of Azerbaijan by candidate to deputy Beybala Ashraf Aliyev on Aghdash Con.EC # 90, appointed to June 18, 2016

Baku

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In his written complaint addressed to the Central Election Commission on May 18, 2016, Beybala Ashraf Aliyev, nominee on his own initiative in the repeat Elections to the Milli Majlis of the Republic of Azerbaijan on Aghdash Con.EC # 90, appointed to June 18, 2016 informed that the authorized representatives of different state bodies offered them to leave Aghdash region when collecting voters' signatures in support of the candidate within that election constituency on May 7, 2016, otherwise they were menaced to be faced with violence, they were pressured upon by telling "No one can collect signatures except Javid Osmanov in Aghdash", the citizens were intimidated to not sign for them, they also told that Aghdash people would vote only for J.Osmanov, on May 10, 2016, a group of people with 5 cars in the route of Vagif street of Aghdash region were required to leave the street and forced with violence when they continued to collect signatures, the signature sheets of Vugar Ahmadov who was collecting signatures were taken off by force and he was moved away from the area by a black BMV car with 90 VK 745 official number, the other people attacked them and reported to Aghdash region police office in written form and to the chairperson of the Con.Ec in the cabinet, however the con.EC did not undertake any measure on that, thereby the plaintiff requested to annul the candidacy of J.Osmanov, nominee by the New Azerbaijan Party in the repeat elections to the Milli Majlis of the Republic of Azerbaijan on that election constituency and to adopt a decision to investigate the occurred events thoroughly.

Having investigated the appeal 6 submitted to CEC by Beybala Ashraf Aliyev, nominated on his own initiative in the Elections to the Milli Majlis of the Republic of Azerbaijan on May 18, 2016, as a member of Expert Group, Bakhsheyish Askerov, 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.

During the investigation process, the candidate to deputy B.Aliyev was contacted and informed on his rights to submit additional documents and materials, also to participate in the investigation and session.

It was determined through the investigation of the appeal that the appeal regarding the part on the argument of allowing law violations during the collection of voters' signatures on May 7 and 10, 2016 had been submitted upon missing the defined deadline and due to that reason an Expert Group member provided an opinion to return

the appeal to the plaintiff. So, pursuant to Article 112.1 of the Election Code of the Republic of Azerbaijan and item # 4.1.2 of the above-mentioned Instruction, complaints against the decision and actions (inactions) which violate citizens' election rights within 3 days since that decision is published or made, that action (inaction) is committed or the interested person is informed on that.

While investigating the argument on the inaction of Aghdash Con.EC # 90 regarding the failure of considering the appeal on the law violations claimed to have been committed, the claim was defined to be groundless. Thus, the letter by N.Nasibov, chairman of the Con.EC and affidavit by G.A.Hajiyev, chief consultant of the Con.EC Secretariat clarify that the Con.EC had not received any written or verbal appeal on putting pressure upon B.Aliyev when collecting voters' signatures, forming obstacles for the collection of signatures and taking a signature sheet off by the people in the BMV car with 90 VK 745 official number.

So, the claim of B.Aliyev on not considering the appeal filed to Aghdash Con.EC # 90 regarding not considering the appeal by that commission shall not be implemented due to groundlessness.

Taking the above mentioned as a basis, pursuant to Articles 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", **I have determined that:**

1. The appeal # 06, dated on May 18, 2016 by Beybala Ashraf Aliyev, nominee on his own initiative in the repeat Elections to the Milli Majlis of the Republic of Azerbaijan on Aghdash Con.EC # 90, appointed to June 18, 2016 shall be sent back to the plaintiff due to the missed deadline regarding the part on the law violations committed during the collection of voters' signatures on May 7 and 10, 2016 and the claim on not considering the appeal filed to the Con.EC regarding not considering the appeal by that commission 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

Bakhsheyish Askerov