

Opinion

of Mrs. Valida Kazimova and Mr. Ilkin Shahbazov, 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 appeals 07 and 08 submitted to CEC on May 24, 2016

Baku

26 May 2016

We, members of Expert Group, Valida Kazimova and Ilkin Shahbazov, investigating the written appeals # 07 and 08 submitted to CEC on May 24, 2016 by Anvar Sardar Aghazadeh and Rafail Ali Taghizadeh, the authorized representatives of Azerbaijan Umid Party in the repeat Elections to the Milli Majlis of the Republic of Azerbaijan on June 18, 2016, on Aghdash Con.EC # 90, defined:

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 members.

In their written appeals addressed to the Central Election Commission on May 24, 2016, Rafail Ali Taghizadeh and Anvar Serdar Aghazadeh, authorized representative of Azerbaijan Hope Party in the repeat Elections to the Milli Majlis of the Republic of Azerbaijan on Aghdash Con.EC # 90, appointed to June 18, 2016 claimed on the groundlessness of the Con.EC decision # 11/36, dated May 14, 2016 and upon arguing the inaction of the Con.EC concerning the appeal filed to that commission, requested to undertake relevant measures on the persons who had violated the law.

During the investigation process, the authorized representatives were contacted and informed on his rights to submit additional documents and materials, also to participate in the investigation and session. R.A.Taghizadeh informed on the lack of any evidence, document or material including the claimed law violations and although A.S.Aghazadeh told that he would present the documents ad materials belonging to him, he did not participate at the investigation.

The authorized representatives R.A.Taghizadeh and A.S.Aghazadeh informed in their appeals that the persons collecting signatures in support of Iqbal Fehrux Aghazadeh, nominee by the Hope Party in the repeat Elections to the Milli Majlis of the Republic of Azerbaijan on Aghdash Con.EC # 90 had been pressured by the local executive representative of Dahnakhail village in Aghdash region and the chair of the municipality and council in that village, a group of people instructed especially had committed illegal actions by means of the cars with different serial numbers towards the people collecting signatures in 20 January, N.Narimanov, S.Vurghun streets of Aghdash city on May 6, 2016, the people who had signed in support of the candidate were humiliated, the

electoral rights of the citizens were offended and not any measure was undertaken related the appeal on the above-mentioned violations filed to the Con.EC.

It was determined through the investigation that authorized representatives of the Hope Party – on May 7 and 12, 2016 A.S.Aghazadeh and on May 12, 2016 R.A.Taghizadeh appealed to the Con.EC on the commitment of illegal actions towards the people collecting signatures in support of I.F.Agha-zadeh, the commission investigated the appeals thoroughly within a manner and period defined by law, the appeals were not implemented upon regarding groundless due to the failure of justification during the investigation and decisions # 8/27, dated May 9, 2016 and # 11/36, dated May 14, 2016 were adopted on them.

In order to investigate law violations that were claimed in the above mentioned appeals by the Con.EC comprehensively all necessary affidavits, references and other documents were obtained, participation of authorized representatives of Umid Party was provided and during the investigation conducted in accordance with legislation it was concluded correctly on refusal to implement the appeal due to the groundlessness. Thus, the challenged decision of the Con.EC shall be remained in force without making amendments.

It was defined by the investigation that, claims on not consideration of appeals indicated as inaction of Aghdash Con.EC # 90 are groundlessness.

Besides, during the investigation claims on humiliation of people who signed in support of the candidate were not justified. Thus, any evidence, material or document was not submitted by plaintiffs, at the same time verbal and written appeal was not received by Con.EC and CEC.

According to the above-mentioned, the appeals shall not be implemented due to the groundlessness; the decision #11/36 of Aghdash Con.EC # 90, dated May 14, 2016 shall be remained in force without making amendments.

Taking the above mentioned as a basis, pursuant to Articles 112 and 112-1 of Election Code of the Republic of Azerbaijan and items # 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 have an opinion that:

1. The appeals # 07 and # 08 submitted by Rafail Ali Taghizadeh and Anvar Serdar Aghazadeh, authorized representative of Azerbaijan Hope Party on May 24, 2016 in the repeat Elections to the Milli Majlis of the Republic of Azerbaijan on Aghdash Con.EC # 90 shall not be implemented due to the groundlessness and the decision # 11/36 of that Con.EC dated May 14, 2016 shall be remained in force without making amendments.
2. 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.

Members of Expert Group

Valida Kazimova

Ilkin Shahbazov