

Opinion

of Mr. Ramiz Ibrahimov, member 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 # 10 submitted to CEC on June 3, 2016

Baku

3 June 2016

I, member of Expert Group, Ramiz Ibrahimov, investigating the written complaint filed to the Central Election Commission of the Republic of Azerbaijan on June 3, 2016 by Baybala Ashraf Aliyev, nominated on own initiative in the repeat Elections to the Milli Majlis of the Republic of Azerbaijan on Aghdash Con.EC # 90 on June 18, 2016, defined the following:

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". The appeal was examined by me and it was determined that the complaint against the above-mentioned Con.EC decision by nominee B.A.Aliyev had been filed by missing the deadline implied in the election legislation. So, he indicates in his appeal that he got the decision of the Con.EC on May 27, 2016. The complaint was filed on June 3, 2016. The Con.EC was contacted to clarify the issue and it was determined that the Con.EC decision # 17/57, dated May 25, 2016 was registered on May 27, 2016 upon signing officially in the register book of the commission. This case is verified by an extract from the register book of the Con.Ec on sending documents and the letter # 55 of that commission, dated June 3, 2016. Therewith, it should be noted that the argued decision of the Con.EC was also posted to the nominee on May 26, 2016. Since the Con.EC decision had been received by the nominee in person officially on May 27, 2016, the deadline for filing complaints shall be estimated from that date.

Pursuant to Article 112.1 of the Election Code of the Republic of Azerbaijan and item # 4.1.2 of the above-mentioned Instruction, election actors shall file complaints against the decisions and actions (inactions) violating citizens' election rights within 3 days since that decision is published or made, action (inaction) is committed or the interested person is informed on that.

The complaint was filed upon missing the deadline and due to that reason; the Expert Group member provided an opinion on sending the appeal back.

Pursuant to Article 112-1.5.3 of the Election Code of the Republic of Azerbaijan, if the complaint was submitted with violation of rules determined in accordance with this

Code, then opinion on its return shall be sent to the person who presented the same complaint.

Taking the above mentioned as a basis, pursuant to Articles 112, 112-1 of Election Code of the Republic of Azerbaijan and item # 1, 2, 4, 6, 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 made an opinion that:

1. The appeal # 10 submitted on June 3, 2016 by Baybala Ashraf Aliyev, nominated on 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 returned back to the plaintiff due to its submission after the deadline has passed.
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.

Member of Expert Group

Ramiz Ibrahimov