

**DECISION**  
**of Central Election Commission of the Republic of Azerbaijan**  
**on rejecting the approval of the candidacy of Rustem Mammad Ibrahimovich**  
**Ibrahimbeyov nominated by “Milli Shura” (“National Council”) voters’ initiative group**  
**in Presidential Elections of the Republic of Azerbaijan on 9 October 2013**

On 12 August 2013, a voters’ initiative group named “Milli Shura” (“National Council”) comprising of 157 persons nominated the candidacy of Rustem Mammad Ibrahimovich Ibrahimbeyov in Presidential elections of the Republic of Azerbaijan on 9 October 2013.

For the approval of the candidate’s nomination, the representative of the initiative group submitted the documents to Central Election Commission of the Republic of Azerbaijan on 22 August 2013.

Central Election Commission investigated the case within the period and in a manner defined by law and determined the lack of certain grounds for the approval of the nominee and impossibility of approving the nominee. Therefore, the approval of the nomination shall be rejected due to the following factual and legal grounds.

So that, while investigating the documents submitted for the approval of the candidacy of R.Ibrahimbeyov, it was determined that he had got dual citizenship of two states at once - of the Republic of Azerbaijan and of Russian Federation and lack of sufficient grounds to arrive at the conclusion that he had not got any commitments before other countries, as well as, he had not lived permanently for 74 years within the Republic of Azerbaijan, as he had mentioned, but totally 1163 days for recent 10 years with short intervals. As it is obvious, a part of these grounds are contrary to Article 100 of the Constitution of the Republic of Azerbaijan, which implies requirements for candidates to be elected President of the Republic of Azerbaijan.

So, R.Ibrahimbeyov included in his application of commitment signed by him on 15 August 2013 that he was a citizen of the Republic of Azerbaijan and had permanently lived for 74 years in Azerbaijan, while being a citizen of the Republic of Azerbaijan, he was also a citizen of Russian Federation and on 13 August 2013, he applied to Moscow Office of Federal Migration Service of Russian Federation with an application on the refusal from the citizenship of that country and also attached the reference of Moscow Office of Federal Migration Service of Russian Federation, proving the case to his application of commitment.

The letter № 894 of reply to the inquiry of Central Election Commission, signed by Ambassador Extraordinary and Plenipotentiary of Russian Federation to the Republic of Azerbaijan and dated 26 August 2013 points out that R.Ibrahimbeyov is actually a citizen of Russian Federation and on 13 August 2013, has applied to Federal Migration Office of Russian Federation with an application on the refusal from citizenship of that country. The letter also included that on 6 February 1992, he was registered on the residence in Russia and became a citizen of Russian Federation according to I part of Article 13 of Law № 948-1, dated 28 November 1991 of Russian Federation. While reviewing the appeal of R.Ibrahimbeyov, it was determined that according to article 20 of Law “On citizenship of Russia” dated 31 May 2002 of Russian Federation, his citizenship could only be terminated or he could be excluded from registration only in the case of having not implemented commitments of the citizen of Russian Federation before Russian Federation, as well as, citizenship of other country or opportunity of any other citizenship. Pursuant tot Article 29 of this law, making decision on the expatriation of Russian citizenship is within the competence of President of Russian Federation. At the present, the authorized institutions are holding investigation for making relevant decision.

The letter № 08/5296 dated 24 August 2013 of State Migration Service of the Republic of Azerbaijan replied to the inquiry of Central Election Commission indicates that R.Ibrahimbeyov was recorded to have crossed the border of the Republic of Azerbaijan with a passport 510198972 of Russian Federation in 2004 and in 2007, with a passport 623791415 of Russian Federation.

The letter № 001-31174-1213, dated 24 August 2013 of the Ministry of Interior Affairs of the Republic of Azerbaijan replied to the inquiry of Central Election Commission points out that as a citizen of Russian Federation, R.Ibrahimbeyov had been relevantly provided with passports № 510198972 and 623791415 by Russian Federation and at different times, he crossed the state borders of the Republic of Azerbaijan and returned with these passports. This letter also indicates that R.Ibrahimbeyov has got dual citizenship – both of the Republic of Azerbaijan and of Russian Federation.

The letter №K/2337 dated 24 August 2013 of State Border Service of the Republic of Azerbaijan replied to the inquiry of the Republic of Azerbaijan points out that according to the data of “Entry and departure and registration” interdepartmental automated information search system, during recent 10 years (24 August 2003-24 August 2013), R.Ibrahimbeyov had lived in total, 1163 days (40 days in 2003, 84 days in 2004, 135 days in 2005, 108 days in

2006, 97 days in 2007, 134 days in 2008, 189 days in 2009, 146 days in 2010, 101 days in 2011, 108 days in 2012, 21 days in 2013) within the Republic of Azerbaijan.

Pursuant to Article 100 of the Constitution of the Republic of Azerbaijan, any citizen of the Republic of Azerbaijan not younger than 35 years of age, who has resided permanently on the territory of the Republic of Azerbaijan for longer than 10 years, has the right to participate in elections, and has not been previously convicted of a serious crime, has no obligations to other states, has higher education, and who has no dual citizenship may be elected President of the Republic of Azerbaijan.

Pursuant to Article 27.1 of Civil Code of the Republic of Azerbaijan, the residence of an individual is the place where such natural person usually lives. A person may have several places of residence.

Pursuant to Article 2 of Law "On registration on residence and current location" of the Republic of Azerbaijan, residence of a person refers to a house, apartment, service residence, dormitory, custodial institutions for the disabled and elder people, nursery homes for unhealthy children, specific educational institutions and other similar residences of a person in full capacity on the contract of rent and hiring as an entrepreneur or lived by him/her permanently or mostly on the grounds implied by legislation of the Republic of Azerbaijan.

According to Article 13.3.4, concept of commitment before other states could be clarified. So, it may include the commitments causing stable, sound and stable relations emerging from residence for more than 5 years in a foreign country, registration, tax, not to leave the country territory for not more than certain period, as well as, other political and legal commitments.

Pursuant to Article 100 of the Constitution of the Republic of Azerbaijan, legal meaning of the provision "not having any commitment before other countries" by decision dated 1 August 2003 of the Constitutional Court of the Republic of Azerbaijan shall be clarified as "not having the commitment emerged from the existence of the relationship caused a citizen's relations with foreign states and dependence upon them".

Assuming the above-mentioned as a basis and pursuant to Articles 56 and 100 of the Constitution of the Republic of Azerbaijan, articles 19.4, 19.14, 28.2, 28.4 and 53 of Election Code of the Republic of Azerbaijan, Central Election Commission of the Republic of Azerbaijan **decides:**

1. The candidacy of Rustem Mammad Ighlu Ibrahimovich Ibrahimbeyov nominated by "Milli Shura" ("National Council") voters' initiative group in Presidential elections of the Republic of Azerbaijan on 9 October 2013 shall be rejected to be approved.
2. Decision shall be enforced upon its publication.

CEC Chairman

Mazahir Panahov

CEC Secretary

Arifa Mukhtarova

CEC Members

Shaitdin Aliyev

Fuad Javadov

Ramiz Ibrahimov

Valida Kazimova

Gabil Orujov

Ilham Mammadov

Nizami Nadirov

Azer Taghiyev

Bakhsheyish Asgarov

Etibar Guliyev