

## **DECISION**

### **of Central Election Commission of the Republic of Azerbaijan**

#### **on consideration of the appeal # 108 submitted to the Central Election Commission on October 26, 2015 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015**

In their written apply addressed to the Central Election Commission on October 26, 2015, Farzulla Khasay Safar, nominated and registered by Musavat Party on Masalli village Con.EC # 71 and Bakhishov Rufat Alizaman, observer challenged illegal inaction of that Con.EC related with appeal to the Con.EC on interference of territorial executive authority to the pre-election campaign of the registered candidate and asked for taking appropriate action.

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.

In the appeal applicants noted that, after the determined pre-election meeting with voters in the village Luran on Masalli village Con.EC # 71 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015, while talking with village residents outside of that place village executive authority informed the candidate that the conduction of such a meeting was possible only on the official allotted space and he could not conduct a meeting there. They applied to the Masalli village Con.EC # 71 for taking appropriate action considering this action as interference of executive authority to the pre-election campaign of the registered candidate, but the Con.EC responded the appeal by letter without investigation.

The registered candidate was contacted, informed on the rights to submit additional documents and materials, also to participate in the investigation and session.

During the investigation process was defined that, the candidate Kh.S.Farzulla noted in his written apply addressed to the Con.EC on above-mentioned violation of his rights and asked for taking appropriate action, but commission did not review that appeal in accordance with the requirements of the Election Code and Instruction, and he was responded by letter by the commission Chairman.

Pursuant to Article # 112.10 of Election Code, a decision on each complaint received by the election commission during the election processes shall be made within 3 days, but within 2 days if there are less than 30 days prior to the voting day (but no later than the voting day) or immediately on the voting day or the day after voting day, and delivered to the plaintiff.

Basing on the above-mentioned, the complaint shall be implemented partly, violations claimed in the appeal shall be investigated by Masalli village Con.EC # 71 and if confirmed, the decision on taking appropriate actions shall be adopted.

Taking the above mentioned as a basis, pursuant to Articles 19.4, 28.2, 112, 112.4, 112.9, 112.10 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 **decides:**

1. The appeal # 108 submitted by Farzulla Khasay Safar, registered candidate on Masalli village Con.EC # 71 and Bakhishov Rufat Alizaman, observer on October 26, 2015 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015 shall be implemented partly, violations claimed in the appeal shall be investigated by that Con.EC and if confirmed, the decision on taking appropriate actions shall be adopted.
2. The decision shall be enforced upon its publication.

CEC Chairman

Mazahir Panahov

CEC Secretary

Arifa Mukhtarova

CEC Secretary

Mikayil Rahimov