

DECISION

of Central Election Commission of the Republic of Azerbaijan
on consideration of the appeal # 55 submitted to the Central Election Commission on
January 3, 2020 in the Municipal Elections on December 23, 2019

Regarding the Municipal Elections on December 23, 2019, Zabil Adil Bandaliyev, registered candidate to Khol Garabujag municipality of Neftchala Con.EC # 61 and others appealed to the Central Election Commission of the Republic of Azerbaijan (CEC) on January 3, 2020 and arguing the Con.EC decision # 41/112, dated 31 December 2019, also claimed that their rights had been offended, therefore requested to undertake relevant measures.

The appeal was adopted to investigation in accordance with Articles 112 and 112-1 of the Election Code of the Republic of Azerbaijan (Election Code) and "Instruction on the rules for filing appeals and complaints to the Central Election Commission and Constituency Election Commissions of the Republic of Azerbaijan and their consideration" and relevant opinion was provided on this issue by a member of the Expert Group under CEC and considered at the Commission session.

In their appeals the plaintiffs stated that the Con.EC regarded the complaint as groundless without listening to them and giving any information.

During the investigation process one of the plaintiffs Shirin Allahbakhish Amrahov was contacted with, informed on their rights to take part at the investigation and session, also to submit any document or material.

It was disclosed through the documents submitted by Neftchala Con.EC # 61 for the investigation of the appeal filed by Zabil Adil Bandaliyev and others that a member of the Con.EC Expert Group requested report from the registered candidates and observers who conducted observation in the PEC # 35 of the Con.EC on the voting day. In their reports they concluded that the voting and vote counting processes were observed by them and their observers in the PEC # 35 and not any violation which could have affected the voting results was encountered with during the observation. The reports on the same case, provided by the registered candidates, observers, in general, 20 persons who observed the voting and vote counting processes in the polling station neglected the cases indicated in the appeal and therefore, the appeal was not implemented.

During the investigation the absence of law violation is verified by the reports provided by the observers who observed the voting and vote counting processes - A.A.Jafarov, H.A.Aliyev, Sh.N.Kerimov, A.E.Ahmadov, S.A.Hasanov, also other candidates not elected to municipality membership - E.F.Bashirov, K.M.Kerimov, E.A.Heydarov, A.B.Hashimov, S.G.Malikov, J.A.Aghayev, elected candidates - B.H.Hashimov, B.G.Bashirov, chairman of the PEC # 35 S.H.Bayramov, commission secretaries I.R.Guliyev, N.R.Khankishiyev, commission members A.S.Abseyenov, G.M.Aghayev and V.Y.Azizov.

It should be noted that the participation of the plaintiffs was ensured by the Con.EC, but they left the session without ending after they expressed their concern.

During the investigation it was defined that the decision # 41/112 of Neftchala Con.EC # 61, dated 31 December 2019 had been adopted in compliance with the requirements of the election legislation.

Basing on the above-mentioned and pursuant to 19.4, 28.2, 112, 112-1 of Election Code of the Republic of Azerbaijan and items 1, 2, 4, 6, 7 and 8 of the "Instruction on the rules for filing appeals and complaints to the Central Election Commission and Constituency Election Commissions of the Republic of Azerbaijan and their consideration" the Central Election Commission **decides:**

1. The appeal # 55, dated January 3, 2020 by ZabilAdilBandaliyev, registered candidate to KholGarabujag municipality of Neftchala Con.EC # 61 and others in the Municipal Elections on December 23, 2019 shall not be implemented due to groundlessness and the Con.EC decision # 41/112, dated 31 December 2019 shall be remained enforced without making amendments.
2. The decision shall be enforced upon its publication.

CEC Chairman

MazahirPanahov

CEC Secretary

ArifaMukhtarova

CEC Secretary

MikayilRahimov