

## OPINION

of Mr. Bakhshyish Asgerov, member of Expert Group under CEC to investigate the complaints against actions (inactions) and decisions violating citizens' election rights in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015

on the appeal 15 submitted to CEC on September 27, 2015 by candidate to deputy nominated on its own initiative Tural Telman Huseynov

Baku

29 September 2015

Having investigated the appeal # 15 submitted to CEC on September 27, 2015 by Tural Telman Huseynov nominated its candidacy on its own initiative on Lankaran village Con.EC # 74 in the Election to the Milli Majlis on November 1, 2015, as a member of Expert Group, Bakhshyish Asgerov, I have determined that:

Since the appeal had been submitted in comply with the Election Code of the Republic of Azerbaijan and the Instruction "On the rules for submission and processing of appeals and complaints on the violation of election rights to the Central Election Commission and Constituency Election Commissions of the Republic of Azerbaijan" and within the specified time period for submitting a complaint, it was accepted for implementation.

Candidate to deputy, Tural Telman Huseynov nominated on its own initiative on Lankaran village Con.EC # 74 appealed in a written form to the Central Election Commission on September 24, 2015 in the Election to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015, challenged the decision of Con.EC on rejection for registration as a candidate and requested to cancel the same decision.

The appeal was adopted for the implementation by me in comply with Articles 112 and 112-1 of the Election Code of the Republic of Azerbaijan 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 basing

on the principle of ensuring citizens' election rights, it was investigated in a legal manner.

T.T.Huseynov noted in his appeal that, he nominated his candidacy on his own initiative on Lankaran Con.EC # 74 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015, collected 494 signatures of voters in this territory, submitted signature sheets with collected signatures of voters in this constituency and other necessary documents to the Con.EC, but it was unreasonably refused to register his candidacy due to the relevant decision 9/23 of Con.EC on September 24, 2015.

During the investigation the candidate of deputy was contacted with, submission of additional necessary documents and materials and the right to attend the meeting was explained, participation in the investigation was provided.

The Con.EC justified the decision on the refusal to register T.T.Huseynov, nominated to deputy, as a candidate that there had not been a sufficient number of valid signatures of voters for the registration of candidates.

During the investigation it was defined that, Lankaran Con.EC # 74 made this decision based on opinion of working group under commission on invalidity of 222 voters' signatures out of 494 and invalidity of 90 significant signatures.

The result of investigation shows that, in spite of the Con.EC did not reflect accurately all the circumstances and procedures in its decision had a correct conclusion on refusal to register T.T.Huseynov as a candidate with the grounds.

Thus, 90 voters out of 494 on 10 signature sheets submitted by candidate for registration applied to the Con.EC with written application noted that they signed as a result of deception and did not know these signatures were in support of T.T.Huseynov.

During the investigation voters applied with application on invalidity of signatures confirmed their application to Con.EC related with mentioned issue. Thus, the invalidity of the same signatures is out of doubt.

Pursuant to Article # 113.1.1 of Election Code of the Republic of Azerbaijan, election commission can refuse to register a candidate, if submitted information in accordance with the Election Code is not true or their invalidity is significant (except as provided in Article # 60.3 of Election Code).

At the same time, it seems from the protocol compiled by the working group under CEC as a result of checking the necessary documents for the registration of candidates dated on September 28, 2015 and opinions that, 56 out of 222 voters' signatures collected in support of T.T.Huseynov for registration by candidate and considered to be invalid by the decision of the Con.EC were considered invalid.

Thus, 146 out of 494 signatures submitted were considered invalid and the remaining signatures are not enough for the candidate registration.

Pursuant to Article 147.1 of Election Code of the Republic of Azerbaijan at least 450 voters' signatures should be collected in support of a candidate within the territory of the constituency for which he/she has been nominated.

Based on the foregoing, the complaint is unjustified and shall not be implemented, the decision # 9/23 of Lankaran Con.EC # 74 on refusal to register T.T.Huseynov as a candidate submitted on September 24, 2015 should remain in force without making amendments.

Taking the above mentioned as a basis, pursuant to Articles 19.4, 28.2, 59, 112, 112-1, 113.1.1, 147 of Election Code of the Republic of Azerbaijan and item # 1, 2, 4, 6 and 7 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" I made an opinion::

1. The appeal # 15 submitted by Tural Telman Huseynov nominated to deputy on September 27, 2015 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015 is unjustified and shall not be implemented and the decision # 9/23 adopted by Lankaran Con.EC # 74 on refusal to register T.T.Huseynov as a candidate submitted on September 24, 2015 on shall be remain in force.

2. The opinion shall be published no later than 18 hours upon its adoption (shall be posted on the website) and its copy shall be sent to the applicant.

Expert Group member

Bakhsheyish Asgerov