

## OPINION

of Tofiq Hasanov, member of Expert Group under CEC to investigate the complaints against actions (inactions) and decisions violating citizens' election rights in the Municipal Elections on December 23, 2014

on the appeal 14 submitted to CEC on November 27, 2014

Baku

28 November 2014

Having investigated the appeal # 14 submitted to CEC on November 27, 2014 by Oruj Kichagha Alasgarov, nominee on Jorat municipality of Sumgayit first Con.EC # 41 on his own initiative in the Municipal elections on December 23, 2014, as a member of Expert Group, I have determined that:

Since the appeal had been submitted in comply with Articles 112 and 112-1 of 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", it was accepted for implementation and relevant investigation was held on this.

Oruj Kichagha Alasgarov, nominee on Jorat municipality of Sumgayit first Con.EC # 41 on his own initiative appealed to CEC in written form on November 27, 2014 regarding the Municipal elections on December 23, 2014 and informed that the Con.EC decision on the refusal from registering his candidacy had been groundless and therefore, requested to re-establish his offended rights upon adopting a relevant decision.

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 filing appeals and complaints to the Central Election Commission and Constituency Election Commissions of the Republic of Azerbaijan and their consideration", 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 me as an Expert Group member.

It was determined through investigation that the applicant was aware of the Con.EC decision # 9/62, dated November 15, 2014 on the refusal from registering his candidacy on the same day. The adopted decision was published upon being displayed on the wall of the Con.EC and a copy of the decision was delivered to the complainant.

The date of sending and receiving the appeal, the explanations of the applicant and Sumgayit first Con.EC # 41 and the compiled act dated November 15, 2014 reveal that O.K.Alasgarov had information on the adoption of the relevant Con.EC decision and he had submitted the complaint by missing the deadline for a complaint submission.

Pursuant to Article 112 of the Election Code of the Republic of Azerbaijan and item #4.1.2 of "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”, complaints shall be submitted against decisions and actions (inactions) violating citizens’ election rights by election actors within 3 days since the day of publishing or obtaining that decision, committing that action (inaction) or the interested person gets information on that.

As the complaint against the claimed law violations had not been submitted in a manner and time period defined by legislation, the appeal shall be sent back to destination without being investigated.

Pursuant to Articles 19.4, 28.2, 112, 112-1 of the Election Code of the Republic of Azerbaijan and items # 1, 2, 4.1.2, 6, 7 of “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”, **I have determined:**

1. As the appeal # 14 dated November 27, 2014 by Oruj Kichagha Alasgarov, nominee on Jorat municipality of Sumgayit first Con.EC # 41 on his own initiative in the Municipal elections on December 23, 2014 had not been submitted in a manner and time period defined by legislation, the appeal shall be sent back to the applicant.
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

Tofiq Hasanov