

OPINION

of Ramiz Ibrahimov, 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 18 submitted to CEC on December 11, 2014

Baku

December 11, 2014

Having investigated the appeal # 18 submitted to CEC on December 11, 2014 by Mubariz Isag Ismayilov, nominee on Zagatala municipality of Zagatala-Balaken Con.EC # 111 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" approved by the CEC decision # 11/53-2 dated August 12, 2008 (amended by decisions # 15/58-6 dated July 23, 2010 and # 5/16 dated October 19, 2012), it was accepted for implementation and relevant investigation was held on this.

By justifying his appeal, M.I.Ismayilov informed that although he had submitted the signature sheet and attached documents to the Con.EC upon collecting the necessary voters' signatures for his registration to candidacy, he had not been submitted a decision on registration or refusal from registering his candidacy and therefore requested to restore his offended rights and undertake relevant measures on the heads of the Con.EC.

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 the Expert Group member.

It is determined through a copy of the Act on investigation submitted to the Con.EC on November 23, 2014 that M.I.Ismayilov, nominee on Zagatala municipality of Zagatala-Balaken Con.EC # 111 on his own initiative submitted the signature sheet and other attachments for the registration to the Con.EC on November 23, 2014. M.I.Ismayilov refused to sign a relevant act on this.

Pursuant to Article 58.1 of the Election Code of the Republic of Azerbaijan, a candidate or authorized representative of the political party, bloc of political parties shall submit the election documents for the registration of nominees to the relevant Con.EC till 18.00 at most 50 and at least 30 days prior to the voting day. The deadline for submitting signature sheets and other attached documents to the Con.EC in Municipal elections on

December 23, 2014 ended at 18.00 on November 22, 2014. Pursuant to the item # 2.2 of the Instruction “On the rules for collection of voters’ signatures in support of a candidate to municipality membership and submission of signature sheets and the documents attached to them to the Constituency Election Commission in Municipal Elections”, the signature sheets and the attached documents submitted after the above-mentioned time period do not form the same legal consequences as the relevant documents submitted within the legally defined period. The Con.EC shall make official this case by its decision.

By the decision # 14/37 of Zagatala-Balaken Con.EC # 111, dated November 24, 2014, the documents submitted by M.I.Ismayilov, nominee on his own initiative through offending the requirements of Article 58.1 of the Election Code of the Republic of Azerbaijan were sent back.

It is worth noting that by sending a telegram to CEC on December 4, 2014, M.I.Ismayilov confessed that he had submitted the documents later and condiering the late submission, he requested to be registered.

To inform the applicant on the investigation and inviting him to the Commission session was impossible due to his absence in the country.

Through a full, comprehensive, fair and impartial investigation legal grounds were found to keep in force the argued decision of the Con.EC without any amendments.

According to the above-mentioned, the complaint shall not be implemented due to its groundless factors and the decision # 14/37 of Zagatala-Balaken Con.EC # 111, dated November 24, 2014 on sending back the documents for the registration of M.I.Ismayilov, submitted through offending the Article 58.1 of the Election Code of the Republic of Azerbaijan shall be kept in force without being amended.

Pursuant to Articles 58.1, 112, 112-1 of the Election Code of the Republic of Azerbaijan and items # 1-7 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. The appeal # 18, dated December 11, 2014 by Mubariz Isag Ismayilov, nominee on Zagatala municipality of Zagatala-Balaken Con.EC # 111 on his own initiative shall not be implemented due to its groundless factors.
2. The decision # 14/37 of Zagatala-Balaken Con.EC # 111 on Mubariz Isag Ismayilov, dated November 24, 2014 shall be kept in force without being amended.
3. 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

Ramiz Ibrahimov