

OPINION

of Mr.Rafiq Abbasov, 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 19 submitted to CEC by Elkhan Huseyn Isayev, nominee on Piramsan municipality of Shabran-Siyazan Con.EC # 54 on his own initiative

Baku

13 December 2014

Having investigated the appeal # 19 submitted to CEC on December 11, 2014 by Elkhan Huseyn Isayev, nominee on Piramsan municipality of Shabran-Siyazan Con.EC # 54 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 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.

Elkhan Huseyn Isayev, nominee on Piramsan municipality of Shabran-Siyazan Con.EC # 54 on his own initiative appealed to CEC in written form on December 11, 2014 regarding the Municipal Elections and informed that the relevant Con.EC had not submitted a document on registration or refusal from registering his candidacy to him.

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.

The applicant was informed on the investigation, also noted on his right to take part in the investigation.

By justifying his complaint, citizen E.H.Isayev informed that he had nominated his candidacy on Piramsan municipality of Shabran-Siyazan Con.EC # 54 in Municipal elections on December 23, 2014, submitted signature sheets and other necessary documents attached to them to the Con.EC upon the collection of voters' signatures within that municipality, the relevant Con.EC had not submitted a document on registration or refusal from registering his candidacy to him.

It was determined through investigation process that E.H.Isayev was registered as a candidate to the membership of Piramsan municipality of Shabran-Siyazan Con.EC # 54 by the con.EC decision # 19/47 dated November 18, 2014. But afterwards, the registration of E.H.Isayev on Piramsan municipality was cancelled by the Con.EC decision # 26/65 dated December 5, 2014 upon his request.

Applicant E.H.Isayev applied to CEC in written form on December 13, 2014, informed that he had not withdrawn his candidacy and therefore requested to maintain the relevant Con.EC decision on his registration enforced.

So, through a full, comprehensive, fair and impartial investigation legal grounds were determined to annul the relevant decision of the Con.EC and to implement the complaint. Therefore, the decision # 26/65 of Shabran-Siyazan Con.EC # 54, dated December 5, 2014 on the cancel of the candidacy of E.H.Isayev on Piramsan municipality shall be annulled.

Pursuant to Articles 112, 112-1 of the Election Code of the Republic of Azerbaijan and items # 1, 2, 4, 6, 7, 8 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 arrived at a conclusion:**

1. The appeal # 19, dated December 11, 2014 by Elkhan Huseyn Isayev, nominee on Piramsan municipality of Shabran-Siyazan Con.EC # 54 on his own initiative shall be implemented and the Con.EC decision # 26/65 dated December 5, 2014 on the refusal from registering his candidacy shall be annulled.

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 applicants.

Expert Group member

Rafiq Abbasov