

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 Seyfulla Sedri Hasanov, nominee on Piramsan municipality of Shabran-Siyazan Con.EC # 54 by Umid ("Hope") Party

Baku

13 December 2014

Having investigated the appeal # 19 submitted to CEC on December 11, 2014 by Seyfulla Sedri Hasanov, nominee on Piramsan municipality of Shabran-Siyazan Con.EC # 54 by Umid ("Hope") Party 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.

Seyfulla Sedri Hasanov, nominee on Piramsan municipality of Shabran-Siyazan Con.EC # 54 by Umid ("Hope") Party 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.

Despite all the efforts, to contact the applicant was impossible in the investigation process.

By justifying its decision on the refusal from registering the candidacy of S.S.Hasanov, the Con.EC informed that the signature sheet submitted by the nominee had not been attached necessary election documents and although the authorized representative of the party had been informed on that, the existing irregularities were not eliminated. Therefore, his candidacy was refused to be registered.

It was determined that while submitting the signature sheet to the relevant Con.EC, S.S.Hasanov did not attach necessary election documents implied in Article 58.1 of the Election Code.

Furthermore, the opinion and protocol dated December 12, 2014, compiled as a result of examining the documents necessary for the candidate registration by the Working Group revealed that voters' signatures included in the signature sheet submitted for the registration of S.S.Hasanov had not been collected in comply with the Election Code. So that, 13 out of 16 voters' signatures collected by the candidate were considered invalid.

Pursuant to Article 215.1.6 of the Election Code, every nominated citizen shall collect 15 valid voters' signatures to be registered to the municipality membership within a territory with less than 4.999 population number. It is justified by a reference of the relevant executive authority that the population number within the territory covered by Piramsan municipality is within the limits as defined by the above-mentioned Article of the Election Code.

Since the number of the valid signatures was not sufficient for the registration of the candidacy on that municipality and other necessary documents had not been submitted, there were not legal grounds to register the candidacy of S.S.Hasanov.

So, through a full, comprehensive, fair and impartial investigation legal grounds were determined to not annul the relevant decision of the Con.EC and to not implement the complaint.

According to the above-mentioned, the complaint shall not be implemented due to its groundless factors, the decision # 24/60 of Shabran-Siyazan Con.EC # 54, dated November 24, 2014 on the refusal from registering the candidacy of S.S.Hasanov on Sapnakaran municipality shall be maintained enforced.

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 Seyfulla Sedri Hasanov, nominee on Piramsan municipality of Shabran-Siyazan Con.EC # 54 by Umid ("Hope") Party shall not be implemented due to its groundless factors.
2. The Con.EC decision # 24/60 dated November 24, 2014 on the refusal from registering the candidacy of Seyfulla Sedri Hasanov shall be maintained.
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 applicants.

Expert Group member

Rafiq Abbasov