

## DECISION

### **of Central Election Commission of the Republic of Azerbaijan on consideration of the appeal # 1413 submitted to the Central Election Commission on February 4, 2020 in the Elections to the MilliMajlis of the Republic of Azerbaijan on February 9, 2020**

In his written apply addressed to the Central Election Commission on February 4, 2020, T.B.Aghayev, chairman of Shirvan Con.EC # 46 in the Elections to the MilliMajlis of the Republic of Azerbaijan on February 9, 2020 noted on the information received by the commission on dual citizenship of RashadYaverJamalov, registered candidate on Shirvan Con.EC # 46 and requested to undertake relevant measures.

Documents of registered candidate R.Y.Jamalov in connection with the filed appeal were requested by Con.EC and it was revealed that he submitted a notification and application on commitment nominating his candidacy on own initiative on Shirvan Con.EC # 46 to the Con.EC on December 21, 2019 and signed that he was a citizen of the Republic of Azerbaijan, had the right to participate in elections, did not have dual citizenship and commitment before other countries. During the Con.EC session, dated December 23, 2019 his candidacy was approved and he was issued signature sheets, he submitted signature sheets and other attached election documents to the Con.EC and after he was registered on December 30, 2019, was provided with a card for a registered candidate to deputy.

It was determined through the investigation that since R.Y.Jamalov got citizenship of the Russian Federation, he was issued a relevant passport by Likino-Dulevo city police office in Moscow province Orekhovo-Zuyevo region of the Russian Federation on July 5, 2006. He was also registered as a taxpayer citizen of the Russian Federation by Moscow city inter-region inspection office # 46 of the Russian Federation Tax Service, also registered as a taxpayer in the Russian Federation Pension Foundation.

Thus, a fact of R.Y.Jamalov, a citizen of the Republic of Azerbaijan was revealed meanwhile, to be a citizen of the Russian Federation.

Registration of the candidacy of R.Y.Jamalov who has got dual citizenship means the violation of the Constitution and Election Code of the Republic of Azerbaijan. Thus, the second part of Article 85 of the Constitution of the Republic of Azerbaijan implied that the persons with dual citizenship, commitment before other states, who serve in executive or court systems, who deal with payable activity excluding scientific, pedagogical and creativity, religious people, the persons whose incapability have been confirmed by court, accused persons for grave crimes and imprisoned persons by the enforced court verdict cannot be elected deputy of the MilliMajlis of the Republic of Azerbaijan.

Pursuant to Article 13.3.3 of the Election Code of the Republic of Azerbaijan, a citizen of the Republic of Azerbaijan who has got dual citizenship does not have a right to be elected a deputy of the MilliMajlis until their dual citizenship remain.

Thus, a fact of registering the candidacy of a person who does not have a passive election right was revealed. Therefore, upon considering the recently revealed cases, the decision # 41/88, dated 30 December 2019 of Shirvan Con.EC # 46 shall be annulled and a card # 02, dated 30 December 2019, provided to registered candidate R.Y.Jamalov shall be regarded invalid.

Taking the above mentioned as a basis, pursuant to Article 85 of the Constitution and Articles 13, 19.4, 25.2.1, 52.2.22, 28.2 and 148.1 of Election Code of the Republic, the Central Election Commission decides:

1. Upon considering the cases contrary to the Constitution and Election Code of the Republic of Azerbaijan rooted from the reveal of a fact on Rashad Yaver Jamalov, registered candidate on Shirvan Con.EC # 46 in the Elections to the MilliMajlis of the Republic of Azerbaijan on February 9, 2020 to be a citizen of the Russian Federation, the Con.EC decision # 41/88, dated 30 December 2019 on the registration of his candidacy on that election constituency shall be annulled and a card # 02, dated 30 December 2019, provided to registered candidate R.Y.Jamalov shall be regarded invalid.
2. The decision shall be enforced upon its publication

CEC Chairman

Mazahir Panahov

CEC Secretary

Arifa Mukhtarova

CEC Secretary

Mikayil Rahimov