

DECISION

of Central Election Commission of the Republic of Azerbaijan
on consideration of the appeal # 7 submitted to the Central Election Commission on
January 4, 2020 in the Elections to the MilliMajlis on February 9, 2020

Regarding the Elections to the MilliMajlis on February 9, 2020, Jahandar Jahangir Ismayilov, self-nominee on Nasimi second Con.EC # 22 applied to the Central Election Commission of the Republic of Azerbaijan (CEC) on January 4, 2020, arguing the decision # 28/127 of Nasimi second Con.EC # 22 on the refusal from the registration of his candidacy, therefore requested legal remedy of his violated rights upon the adoption of an appropriate 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 the Expert Group member.

Candidate J.J.Ismayilov noted in his appeal that he was nominated to deputy on own initiative on Nasimi second Con.EC # 22 in the Elections to the MilliMajlis of the Republic of Azerbaijan, appointed to February 9, 2020, after collecting signatures of voters in the territory of the same constituency he submitted signature sheets and other important documents attached to them to the Con.EC. But however, he was not aware that the TIN account of the legal entity the founder of which was himself had been active up today although he had applied to the relevant state structure to close it, and therefore the information on that was not included in the financial report. And he also noted that considering 50 signatures included in signature sheets invalid only because they had been collected by the director of the legal entity the founder of which was himself was not compatible with the legal requirements, meanwhile, the Con.EC had not informed him within 48 hours to correct the allowed mistakes.

The Con.EC substantiated the decision on the refusal from registering the candidacy of J.J.Ismayilov basing on that 63 signatures included in the signature sheets submitted were considered invalid, the information on the other property belonging to the candidate based on the right to property had not been indicated in the information on property, therewith, the information on the amount and sources of the candidate's income did not contain the information on his taxpayer.

During the investigation process the plaintiff was contacted with, informed on his rights to take part at the investigation and session, also his participation at the session was ensured.

Regarding the investigation, the Con.EC were required to provide relevant documents and they were reviewed, it was determined that the Con.EC had not comply with the requirements of the election legislation during the process of checking the signatures included in the signature sheets submitted by candidate J.J.Ismayilov. The assumption on the candidates' failure of indicating the information on the income in the information on the amount and sources of his income was not justified. The candidate did not inform on another real estate belonging to him based on the right to property. It is defined through the opinion, dated 6 January 2020 of the Working Group under

CEC regarding the case that basing on the reference provided by Register Service of Real Estate under State Committee of Property Issues, another property belonging to candidate J.J.Ismayilov, apart from the properties indicated in the information on property, was also registered by state.

Misinforming the Con.EC by candidate J.J.Ismayilov about the real estate belonging to him is a legal ground to refuse from registering the candidate pursuant to Article 60.2.3 of the Election Code.

The argument of candidate J.J.Ismayilov that the Con.EC had not informed him within 48 hours to eliminate the mistakes made not deliberately is groundless. So that, the above-mentioned case is not a mistake possible to be corrected.

Basing on the above-mentioned, the appeal shall be partly implemented, as a ground for refusal, considering voters' signatures invalid and to not indicating the information on the amount and sources of income shall be excluded from the substantiation part of the Con.EC decision # 28/127, dated 3 January 2020, the decision on the remaining parts shall be remained enforced without making amendments.

Basing on the above-mentioned and pursuant to 19.4, 28.2, 57.1, 58, 59,60.2.3, 112, 112-1 of Election Code of the Republic of Azerbaijan and items 1, 2, 4, 6, 7 of the "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" the Central Election Commission **decides:**

1. The appeal # 7, dated 4 January 2020 by Jahandar Jahangir Ismayilov, self-nominee on Nasimi second Con.EC # 22 in the Elections to the MilliMajlis on February 9, 2020 shall be partly implemented, as a ground for refusal, considering voters' signatures invalid and to not indicating the information on the amount and sources of income shall be excluded from the substantiation part of the Con.EC decision # 28/127, dated 3 January 2020, the decision on the remaining parts shall be remained enforced without making amendments.
2. The decision shall be enforced upon its publication.

CEC Chairman

MazahirPanahov

CEC Secretary

ArifaMukhtarova

CEC Secretary

MikayilRahimov