

DECISION

of Central Election Commission of the Republic of Azerbaijan
on consideration of the appeal # 46 submitted to the Central Election Commission on
January 30, 2020 in the Elections to the MilliMajlis of the Republic of Azerbaijan on
February 9, 2020

By applying to the Central Election Commission (CEC) on January 30, 2020, SevinjGurbanAbdullayeva, authorized representative of the New Azerbaijan Party (authorized representative) in the Elections to the MilliMajlis of the Republic of Azerbaijan, appointed to February 9, 2020 argued the actions of a registered candidate UlviFakhraddinHasanov and his authorized representative to have interfered illegally in the pre-election campaign process of another registered candidate on Binagadi second Con.EC # 9 – KamaladdinNasraddinGafarov and therefore, requested to undertake relevant measures.

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.

Authorized representative G.S.Abdullayeva noted in the appeal U.F.Hasanov, registered candidate on Binagadi second Con.EC # 9 and his authorized representative M.R.Huseynov started illegal propaganda against another registered candidate K.N.Gafarov from the first day of pre-election campaign, agitated against the candidate with their illegal actions, disseminated defamations and slanders not meeting the reality on different social pages and obstructed the peaceful meeting with voters in closed and indoor places by deliberately instructed persons. He also stated that U.F.Hasanov and his authorized representative M.R.Huseynov seriously obstructed pre-election campaign process of K.N.Gafarov and committed the actions directed to the violation of the candidate's rights enshrined in the Election Code.

During the investigation process the plaintiff was contacted with and his participation was ensured at the session.

During the investigation it was determined that registered candidate U.F.Hasanov and his authorized representative M.R.Huseynov committed disorder against another candidate K.N.Gafarov deliberately in video records posted via social pages and tried to form serious obstacles by joining different person to that activity to exercise his right of pre-election campaign. The video records showed that those persons abused the rights of pre-election campaign provided to them by law and committed actions violating another candidates' rights not implied and banned by the Election Code. Thus,

according to the video records, in several cases approached citizens in an unknown area, asks ironically "Do you know a candidate named K.N.Gafarov?" and those persons answered "no, we don't know", later M.R.Huseynov laughed disgustingly and committed actions dishonouring the candidate. Another video record displayed M.R.Huseynov making an old woman to sound opinions against K.N.Gafarov by provocative questions in front of the building where the pre-election campaign of K.N.Gafarov was being held in mass meeting, thus committing actions leading to obstructing the candidate's meeting with voters.

It was determined by the reports of some persons, as well as, citizens Mukhtar Ali Hasanli, Jalal Fazil Jamilov and Ramil Ramiz Muradov who have participated in the pre-election campaign of candidate K.N.Gafarov in mass activity that U.F.Hasanov and M.R.Huseynov instructed a group of women near the building on the day the campaign was being conducted and they were ordered to obstruct the conduct of campaign.

It was determined through the investigation that the actions committed by the election stakeholders violating the requirements of the election legislation established grounds to apply Articles 112-1.11.2 and 113.1 of the Election Code. So that, that Article of the Election Code implies that in the cases when a candidate, registered candidate, political party, political party blocs, referendum campaign groups violate the requirements of the Code, the relevant election commission shall warn a candidate, registered candidate, political party, political party blocs, referendum campaign groups via mass media upon informing voters.

Based on the afore-mentioned, legal grounds have been established to implement the appeal and to undertake legal measures defined in the law regarding the election stakeholders due to the violation of the Election Code.

Pursuant to Articles 19.4, 28.2, 112, 112-1.11.2 and 113.1 of Election Code of the Republic of Azerbaijan and items 1, 2, 4, 6 and 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 # 46 submitted by January 30, 2020 by SevinjGurbanAbdullayeva, authorized representative in the Elections to the MilliMajlis of the Republic of Azerbaijan, appointed to February 9, 2020 shall be implemented as it is grounded.
2. UlviFakhraddinHasanov, registered candidate on Binagadi second Con.EC # 9 and his authorized representative MehmanRafiqHuseynov shall be warned.
3. The decision shall be enforced upon its publication.

CEC Chairman

MazahirPanahov

CEC Secretary

ArifaMukhtarova

CEC Secretary

MikayilRahimov