

OPINION

of Irada Hajiyeva, member of Expert Group established under Central Election Commission for investigating the complaints about The actions (inactions) violating citizens' election rights on the appeal #16 dated October 12, 2013 by Gulagha Aslanli, authorized representative of registered candidate to presidency Jamil Hasanli in Presidential Elections of the Republic of Azerbaijan to October 9, 2013

Baku city

12 October 2013

Investigating the appeal #16 dated October 12, 2013 by Gulagha Aslanli, authorized representative of Jamil Hasanli, registered candidate to presidency in the Presidential elections of the Republic of Azerbaijan appointed to October 9, 2013, as a member of Expert group – Irada Hajiyeva, I determined that:

As the appeal was compiled in accordance with Election Code and Instruction “on rules for submission and processing of complaints and appeals on the violation of election rights filed to the Central Election Commission of the Republic of Azerbaijan and constituency election commissions”, it was accepted for investigation.

Applying to the Central Election Commission of the Republic of Azerbaijan in written form on October 12, 2013, Gulagha Aslanli, authorized representative of Jamil Poladkhan oghlu Hasanli, registered candidate for presidency in the Presidential elections conducted on October 9, 2013 informed that different law violations were committed in some constituencies and polling stations on the voting day and requested to undertake relevant measures in a manner defined by legislation. Furthermore, the application indicated that attaching the photocopies of the acts compiled by the persons who had conducted observation and which claimed that this or another law violation were justified to have been committed, the original documents would be presented for the investigation process.

As the appeal had been compiled in comply with Article 112-1 of the Election Code of the Republic of Azerbaijan and “Instruction on the rules for filing and consideration of the appeals and complaints to the Central Election Commission and Constituency Election Commissions of the Republic of Azerbaijan”, it was adopted to the implementation, a member of the Expert Group under the Central Election Commission undertook relevant measures for gathering possible materials as an evidence

necessary for determining the claimed law violations and provided relevant opinion on the investigation of the appeal.

As the acts attached to the appeal and claimed that the violations had been made official, were determined to be photocopies at the result of investigation, the appeal shall not be implemented by being regarded groundless.

Thus, applicant Gulagha Aslanli was invited to the investigation and as the photocopies attached to the appeal had not led to any legal consequences, he was requested to present the original of these acts if he has got, as well as, in case of presenting other documents and materials as evidence, he was informed on the readiness of the Central Election Commission to investigate them. The applicant was also explained that as concrete cases indicated generally in the complaint submitted by him and claimed to have been committed were included only in these acts and the application could not determine the content of the violation without the acts, the investigation could be legally valid only after the submission of the originals of these acts for the investigation. Otherwise, he was informed on impossibility of the investigation.

And the applicant firmly indicated on the possibility of submitting these materials only during the court investigation after reviewing the attitude of Jamil Hasanli, registered candidate represented by him, so, he refused to submit any act or other material as evidence to the Central Election Commission and presented this as the position of him and Jamil Poladkhan oghlu Hasanli, registered candidate for presidency represented by him. The foregoing cases were made official during the investigation process in comply with the Election Code of the Republic of Azerbaijan and "Instruction on the rules for filing and consideration of the appeals and complaints on violation of election rights to the Central Election Commission and Constituency Election Commissions of the Republic of Azerbaijan".

Taking the above-mentioned as a basis and pursuant to Articles 112, 112-1 of the Election Code of the Republic of Azerbaijan and items 1, 2, 4, 6 and 7 of "Instruction on the rules for filing appeals and complaints on the violation of election rights to Central Election Commission and Constituency Election Commissions and their consideration by these commissions", **I came to opinion:**

1. The appeal #16 dated 12 October 2013 by Gulagha Aslanli, authorized representative of registered candidate to presidency Jamil Hasanli in

Presidential Elections of the Republic of Azerbaijan on October 9, 2013 shall not be implemented due to groundlessness.

2. The opinion shall be published within 18 hours from the moment of its adoption (on the web site of Central Election Commission) and a copy should be sent to the applicants.

Member of Expert group

Irada Hajiyeva