

## OPINION

**of Emin Guliyev, member of Expert Group established under  
Central Election Commission for investigating the complaints about  
The actions (inactions) violating citizens' election rights on the appeal  
#11 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

29 September 2013

Investigating the appeal #11 dated September 27, 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 – Emin Guliyev, 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” and submitted within the period implied for the complaint, it was accepted for investigation.

Having applied to Central Election Commission of the Republic of Azerbaijan in written form on 27 September 2013, Gulagha Aslanli, authorized representative of Jamil Hasanli, registered candidate in Presidential Elections of the Republic of Azerbaijan on October 9, 2013 informed that Hidayet Ismayilov, another authorized representative of candidate to presidency Jamil Hasanli appealed to the head of Jalilabad region executive authority on 24 September 2013 with the request of facilitating the candidate to meet with voters from 16.00 till 18.00 on 27 September 2013 in special place allocated for the conduct of campaign in Jalilabad city, in the yard of “Agrotechservcie” Open Stock Joint Company, first deputy of the region executive authority Asif Azizov did not object the meeting with voters in his reply, but informed on denying the participation of the persons who are not inhabitants of Jalilabad region in the meeting, thus leading to limit illegally the number of the persons wishing to take part in the meeting with voters and therefore the applicant requested the Central Election Commission to appeal to relevant state institutions for the punishment of first deputy head of Jalilabad region executive authority Asif Azizov by assessing the case as the violation of the rights of voters and the candidate to presidency.

First deputy head of Jalilabad region executive authority Asif Azizov indicated in his explanation during the investigation that open and closed

venues for mass activities had been determined in Jalilabad city within the frame of pre-election campaign and registered candidates, their authorized representatives and agents had been facilitated to meet with voters in the Presidential elections of the Republic of Azerbaijan to be held on October 9, 2013. The request of the authorized representative of candidate to presidency Jamil Hasanli had also been permitted to conduct meeting with voters in previously allocated area and all facilities had been provided for the meeting to take place and not any obstacle had been formed. In this case, the purpose of indicating that this meeting to be conducted only for the region inhabitants on 27 September 2013 without paying much attention to the differences between the Presidential elections and elections to the Milli Majlis was to ensure security of the participants during the meeting with voters and conducting the meeting under normal and constructive conditions. A.Azizov also indicated in his explanation that he had not got any intention to interfere or obstruct the conduct of pre-election campaign activities.

It was also determined during the investigation that Hidayet Ismayilov, authorized representative of the candidate had informed in his written appeal to Jalilabad region executive authority on 27 September 2013 on the postponement of the meeting with voters appointed to 27 September 2013 to indefinite date.

Obviously, the event claimed to have obstructed was not objected in any way by Jalilabad region executive authority, instead all facilities were provided. Explanation of Asif Azizov provides that the reply letter was not fully in comply with the legislation, the information on the event participants without differentiating the Presidential elections and elections to the Milli Majlis was not considered as a basis for to not give permission to conduct the meeting. At the same time, as the legislation does not imply to get special permission by local executive authority for the conduct of activities in the areas allocated for pre-election campaign, basing on the positive reply, it could not be considered adequate to make decision on the postponement of the meeting by the meeting organizers.

Pursuant to Articles 86.1 and 86.2 of the Election Code of the Republic of Azerbaijan, state institutions and municipalities shall render assistance to registered candidates, political parties, blocs of political parties and referendum campaign groups in the organization and conduct of meetings with voters and open discussions. The applications submitted by the authorized representatives and agents of registered candidates, political parties, blocs of political parties and referendum campaign groups on the allocation of venue for the conduct of meeting with voters shall be considered by relevant executive authorities in comply with laws of the Republic of Azerbaijan.

Therefore, the Central Election Commission reckons that the appeal shall be implemented and sent to the head of Jalilabad region executive authority for investigation within his competence, all other pre-election

campaign activities including the meeting of registered candidate Jamil Hasanli with voters which had been planned to be held on 27 September 2013 in Jalilabad city and postponed shall be fully facilitated in comply with the legislation and all responsible local bodies and incumbents including Jalilabad region executive authority shall be reminded on the essence of abiding by the legislation requirements in pre-election campaign.

Assuming the above-mentioned as a basis and pursuant to Articles 19.4, 28.2, 112, 112-1 of the Election Code of the Republic of Azerbaijan and items 1, 2, 4, 6, 7 and 8 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 # 11 dated 27 September 2013 by Gulagha Aslanli, authorized representative of Jamil Hasanli, registered candidate in the Presidential elections of the Republic of Azerbaijan to be held on October 9, 2013 shall be implemented and sent to the head of Jalilabad region executive authority for investigation within his competence.
2. All other pre-election campaign activities including the meeting of registered candidate Jamil Hasanli with voters which had been planned to be held on 27 September 2013 in Jalilabad city and postponed shall be fully facilitated in comply with the legislation.
3. All responsible local bodies and incumbents including Jalilabad region executive authority shall be reminded on the essence of abiding by the legislation requirements in pre-election campaign in Presidential elections of the Republic of Azerbaijan on October 9, 2013.
4. 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

Emin Guliyev