

OPINION

of Mr.Rafiq Abbasov, member of Expert Group under CEC to investigate the complaints against actions (inactions) and decisions violating citizens' election rights in the Municipal Elections on December 23, 2014

on the appeal 02 submitted to CEC on November 20, 2014 by Farrukh Musa Taghiyev and other candidates to municipality membership on Masalli city Con.EC # 70

Baku

21 November 2014

Having investigated the appeal # 02 submitted to CEC on November 20, 2014 by Farrukh Musa Taghiyev and other candidates to municipality membership on Masalli city Con.EC # 70 in the Municipal elections on December 23, 2014, as a member of Expert Group, Rafiq Abbasov , I have determined that:

Since the appeal had been submitted in comply with the Election Code of the Republic of Azerbaijan and the Instruction "On the rules for submission and processing of appeals and complaints on the violation of election rights to the Central Election Commission and Constituency Election Commissions of the Republic of Azerbaijan" and within the specified time period for submitting a complaint, it was accepted for implementation.

Farrukh Musa Taghiyev and other candidates to municipality membership on Masalli city Con.EC # 70 appealed to the Central Election Commission in written form on November 20, 2014 regarding the Municipal elections on December 23, 2014 and having informed on illegal interference in the activity of Masalli city Con.EC # 70 by the regional executive authority and obstructing the candidates by the representative on Musakucha administrative territory of the head of regional executive authority, they requested to undertake relevant measures defined by law.

The appeal was adopted for the implementation by me 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" and basing on the principle of ensuring citizens' election rights, it was investigated in a legal manner.

Through a thorough, comprehensive, fair and impartial investigation of the incidents mentioned in the complaint and obtain of all the necessary evidences on the case, it was determined that F.M.Taghiyev and others nominated their candidacies on their own initiative in the Municipal elections on December 23, 2014 and submitted the documents implied by Article 53 of the Election Code of the Republic of Azerbaijan to Masalli city Con.EC # 70 for the verification of their candidacies on November 6, 2014. By the decision

7/27 of that Con.EC dated November 7, 2014 Farrukh Musa Taghiyev, Mammadagha Bandali Eynullayev, Allahshukur Amir Abiyev and Terlan Soltanagha Abbaszadeh were verified as candidates to municipality membership without any obstacle and provided with signature sheets to collect signatures in support of their candidacies.

The above-mentioned candidates submitted signature sheets and other election documents implied by Article 58.1 of the Election Code individually to the relevant Con.EC on November 17, 2014. These documents were passed to the Working Group established under the above-mentioned Con.EC for consideration and currently the process of their examination is underway.

Pursuant to Article 60.1 of the Election Code, relevant Con.EC shall adopt a grounded decision on the registration or refusal from registering the candidate within 7 days after receiving signature sheets and other documents necessary for a candidate registration.

Obviously, the requirements of election legislation on the time period for the registration of the persons mentioned in the appeal as candidates to municipality membership were not offended by the relevant Con.EC.

Furthermore, the information by the chairperson of the above-mentioned Con.EC reveals that apart from providing all persons with equal opportunities and conditions by the commission to exercise their passive election rights, they were ensured free, fair and transparent election atmosphere for the nomination, verification and registration of the candidacies on the election constituency and any cases of interference or pressure upon the election process by any body or local executive authority were not committed.

In his written explanation Sh.A.Teymurov, representative on Musakucha administrative territory of Masalli regional executive authority who has been mentioned in the appeal informed that excluding the works on the update of voters' lists, they did not have any relationship with Con.EC and PEC and did not intervene in the process of nomination of candidacies to municipality membership and campaigns of candidates' signature collection in any form and indicating their names in the appeal submitted to CEC was due to the personal relationships between the applicants.

Regarding the above-mentioned factors, the Central Election Commission reckons that the appeal submitted to CEC by F.M.Taghiyev, candidate to membership of Musakucha municipality and others shall be implemented and Masalli region executive authorities shall be noted on the necessity of preventing the actions possible to be interpreted as intervention in the elections by them.

Pursuant to Articles 112, 112-1 of the Election Code of the Republic of Azerbaijan and items # 1, 2, 4, 6, 7 of "On the rules for submission and processing of appeals and complaints on the violation of election rights to the Central Election Commission and Constituency Election Commissions of the Republic of Azerbaijan", **I have arrived at a conclusion:**

1. The appeal # 02 submitted to CEC on November 20, 2014 by Farrukh Musa Taghiyev, and other candidates to municipality membership shall be

implemented and Masalli region executive authorities shall be noted on the necessity of preventing the actions possible to be interpreted as intervention in the elections by them.

2. The opinion shall be published no later than 18 hours upon its adoption (shall be posted on the website) and its copy shall be sent to the applicants.

Expert Group member

Rafiq Abbasov