

## OPINION

of Ms. Valida Kazimova, 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 03 submitted to CEC on November 21, 2014 Gandali Ashur Aliyev, candidate to municipality membership on Sabunchu third Con.EC # 28

Baku

21 November 2014

Having investigated the appeal # 03 submitted to CEC on November 21, 2014 by Gandali Ashur Aliyev, candidate to municipality membership on Sabunchu third Con.EC # 28 in the Municipal elections on December 23, 2014, as a member of Expert Group, Valida Kazimova, 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.

Gandali Ashur Aliyev appealed to CEC by telegram on November 21, 2014 regarding the Municipal elections on December 23, 2014 and complained on illegal action of the Con.EC chairperson while nominating his candidacy on his own initiative on Bilgah municipality of Sabunchu third Con.EC # 28 and requested the Central Election Commission to render relevant assistance to nominate his candidacy.

The appeal was investigated by me as a member of Expert Group 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".

Basing on the principle of ensuring citizens' election rights, the appeals of the applicants were investigated within the time period and manner defined by CEC.

As a result of a full, detailed, fair and impartial investigation of the case mentioned in the complaint, it was determined that citizen G.A.Aliyev had not applied to the commission for the nomination of his candidacy on Bilgah municipality.

Pursuant to Article 53 of the Election Code of the Republic of Azerbaijan, a citizen may nominate their candidacies on their own initiative providing that the relevant election commission within the territory of which necessary signatures are collected in support of the candidate and which the candidate's

registration is considered on, should be send a notification on this. The candidate shall provide the relevant election commission with a written notification. The notification should contain the candidate's surname, name, patronymic, date of birth, serial number of ID card or its substitute document, main place of work or service (in their absence, type of occupation).

The relevant election commission shall consider the submitted documents within 5 days and present a decision on the verification of nomination on the relevant election constituency. The relevant election commission shall not refuse from receiving the submitted documents.

Pursuant to Articles 112, 112-1 of the Election Code of the Republic of Azerbaijan and items # 1, 2, 4, 6, 7 and 8 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 # 03 submitted to CEC by Gandali Ashur Aliyev on November 21, 2014 regarding the Municipal elections on December 23, 2014 shall be implemented and Sabunchu third Con.EC # 28 shall be noted on facilitating nomination of his candidacy.
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

Valida Kazimova