

## 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 Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015

on the appeal 11 submitted to CEC on September 25, 2015

Baku

28 September 2015

In his written apply addressed to the Central Election Commission on September 25, 2015, the authorized representative of Musavat Party Elkhan Evdil Rustamov challenged the decision of Con.EC on refusal to register Arzu Habib Samadbayli nominated by Musavat Party from Binagadi first Con.EC # 8 as a candidate and requested for making a relevant decision on restoration of the offended rights of a candidate.

Having investigated the appeal 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 by me.

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.

During the investigation of the working group under CEC, it seems from the protocol compiled as a result of checking the necessary documents for the registration of candidate dated on September 27, 2015 and opinion that, 547 voters' information on identification was incorrect and 117 voters' signatures were considered invalid.

Pursuant to Article # 147.1 of Election Code of the Republic of Azerbaijan, at least 450 signatures of the voters within the constituency shall be collected in support of the candidate.

Verification of signature sheets and necessary documents for registration of applicant, not being invited to participate in the meeting of Con.EC and claims on not given results of protocol on verification of signature by working group were not justified.

Through a full, comprehensive, fair and impartial investigation legal grounds were determined that the complaint is unjustified and shall not be implemented, the decision # 18/3 of Binagadi first Con.EC # 8 on refusal to register A.H.Samadbayli nominated by

Musavat Party as a candidate submitted on September 23, 2015 should remain in force without making amendments.

According to the above-mentioned, pursuant to Articles 112, 112-1, 147.1, 148.1 of the Election Code of the Republic of Azerbaijan and items # 1, 2, 4, 6 and 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 determined that:**

1. The appeal # 11 submitted by authorized representative of Musavat Party Elkhan Evdil Rustamov on September 25, 2015 in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015 is unjustified and shall not be implemented and the decision # 18/3 adopted by Binagadi first Con.EC # 8 on refusal to register A.H.Samadbayli as a candidate submitted on September 23, 2015 on shall be remain in force.
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 applicant.

Expert Group member

Valida Kazimova