

OPINION

of Irada Hajiyeva, 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 15 submitted to CEC on November 27, 2014 by Nizami Yusif Ahmadov, nominee on Zabrat municipality of Sabunchu third Con.EC # 28 by Umid ("Hope") Party

Baku

28 November 2014

Having investigated the appeal # 15 submitted to CEC on November 27, 2014 by Nizami Yusif Ahmadov, nominee on Zabrat municipality of Sabunchu third Con.EC # 28 by Umid ("Hope") Party in the Municipal elections on December 23, 2014, as a member of Expert Group, I have determined that:

Since the appeal had been submitted in comply with of 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", it was accepted for implementation and relevant investigation was held on this.

Nizami Yusif Ahmadov, nominee on Zabrat municipality of Sabunchu third Con.EC # 28 by Umid ("Hope") Party appealed to CEC in written form on November 27, 2014 regarding the Municipal elections on December 23, 2014 and informed that the Con.EC decision on the refusal from registering his candidacy had been groundless and therefore, requested to re-establish his offended rights upon adopting a relevant decision.

The complaint was adopted for the implementation 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", relevant opinion was provided on this issue by a member of the Expert Group under CEC and considered at the Commission session upon the investigation of the appeal by me as an Expert Group member.

By justifying his complaint, citizen N.Y.Ahmadov informed that he was nominated on Zabrat municipality of Sabunchu third Con.EC # 28 in Municipal elections on December 23, 2014, submitted signature sheets and other necessary documents attached to them to the Con.EC upon the collection of voters' signatures within that municipality, but his candidacy was refused from registration by the Con.EC without any reason.

By justifying its decision on the refusal from registering the candidacy of N.Y.Ahmadov, the Con.EC informed that 29 invalid and 71 valid out of 100 signatures had been included in the submitted signature sheet according to an opinion provided by an expert of the Working Group to examine signature sheets and the attached documents.

The opinions and protocol dated November 27, 2014, compiled as a result of examining the documents necessary for the candidate registration by the Working Group revealed that voters' signatures included in the signature sheet submitted for the registration of N.Y.Ahmadov had been collected in comply with the Election Code. 93 out of 100 voters' signatures collected by the nominee were considered valid.

So, pursuant to Article 215.1.5 of the Election Code, every nominated citizen shall collect 75 valid voters' signatures to be registered to the municipality membership within a territory with more than 19.999 population number. It is justified by a reference of the relevant executive authority that the population number within the territory covered by Zabrat municipality is within the limits as defined by the above-mentioned Article of the Election Code.

Article 60.2 of the Election Code defines the grounds for refusal from registering a candidacy. While adopting a decision on refusal from registering the complainer's candidacy, the Con.EC did not take into account the requirements of that article.

So, through a full, comprehensive, fair and impartial investigation not any legal ground was found to annul the argued decision of the Con.EC and to implement the complaint.

According to the above-mentioned, the complaint shall be implemented due to its grounded factors, the decision # 17/56 of Sabunchu third Con.EC # 28, dated November 22, 2014 on the refusal from registering the candidacy of N.Y.Ahmadov on Zabrat municipality shall be annulled and his candidacy to the municipality membership on that election constituency shall be registered.

Pursuant to Articles 112, 112-1 of the Election Code of the Republic of Azerbaijan and items # 2, 4, 6, 7, 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 determined that:**

1. The complaint # 15, dated November 74, 2014 by Nizami Yusif Ahmadov, nominee on Zabrat municipality of Sabunchu third Con.EC # 28 by Umid ("Hope") Party shall be implemented and the Con.EC decision # 17/56 dated November 22, 2014 on the refusal from registering his candidacy shall be annulled.
2. The candidacy of Nizami Yusif Ahmadov, nominee on Zabrat municipality of Sabunchu third Con.EC # 28 by Umid ("Hope") Party shall be registered to municipality membership.
3. 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

Irada Hajiyeva