

OPINION

of Samir Taghiyev, 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 17 submitted to CEC on December 5, 2014 by Rahim Khidirnabi Mustafayev, nominee on Masazir municipality of Absheron Con.EC # 45 on his own initiative

Baku

December 6, 2014

Having investigated the appeal # 17 submitted to CEC on December 5, 2014 by Rahim Khidirnabi Mustafayev, nominee on Masazir municipality of Absheron Con.EC # 45 on his own initiative 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 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.

Rahim Khidirnabi Mustafayev, nominee on Masazir municipality of Absheron Con.EC # 45 on his own initiative appealed to CEC on December 5, 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 the Expert Group member.

It was determined through investigation that the Con.EC decision # 28/101, dated November 26, 2014 on the refusal from registering the candidacy of R.Kh.Mustafayev displayed on the information board of the Con.EC and a copy of the decision was delivered to the complainant on November 28, 2014.

The content of the appeal and explanation of the chairperson of Absheron Con.EC # 45 reveal that R.Kh.Mustafayev had information on the adoption of the relevant Con.EC decision and he had submitted the complaint by missing the deadline for a complaint submission.

Pursuant to Article 112.1 of the Election Code of the Republic of Azerbaijan and item # 4.1.2 of "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", complaints shall be submitted against decisions and actions (inactions) violating citizens' election rights by election actors within 3 days since the day of publishing or obtaining that decision, committing that action (inaction) or the interested person gets information on that.

As the complaint against the claimed law violations had not been submitted in a manner and time period defined by legislation, the appeal shall be sent back to destination without being investigated.

By assuming the above-mentioned as a basis and pursuant to Articles 19.4, 28.2, 112 and 112-1 of the Election Code of the Republic of Azerbaijan and items # 1, 2, 4.1.2, 6 and 7 of "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", **I have determined:**

1. As the appeal # 17 dated December 5, 2014 by Rahim Khidirnabi Mustafayev, not registered nominee on Masazir municipality of Absheron Con.EC # 45 in the Municipal elections on December 23, 2014 had not been submitted in a manner and time period defined by legislation, the appeal shall be sent back to the applicant.
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

Samir Taghiyev