

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 08 submitted to CEC on November 24, 2014 by Khalid Ilham Ahadov, nominee on municipality membership of Lankaran-Astara Con.EC # 76

Baku

26 November 2014

Having investigated the appeal # 08 submitted to CEC on November 24, 2014 by Khalid Ilham Ahadov, nominee on municipality membership of Lankaran-Astara Con.EC # 76 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.

Khalid Ilham Ahadov, nominee on Mamusta municipality of Lankaran-Astara Con.EC # 76 on his own initiative appealed to CEC in written form on November 24, 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 as a result of full, detailed, fair and impartial investigation of the cases included in the complaint and obtain of all the necessary evidences on the case that complainant Kh.I.Ahadov had nominated his candidacy on his own initiative on Mamusta municipality of Lankaran-Astara Con.EC # 76 in Municipal elections on December 23, 2014, submitted signature sheets and other necessary attached documents defined by Article 53 of the Election Code to Lankaran-Astara Con.EC # 76 for the registration of his candidacy upon the collection of voters' signatures within that municipality and upon the registration of the candidacy of Khalid Ilham Ahadov without any obstacle by the relevant Con.EC decision # 7/21-01, dated November 7, 2014, he was issued signature sheets to collect signatures in support of candidate.

The applicant submitted signature sheets and other necessary documents attached to them as implied by Article 58.1 of the Election Code to the relevant Con.EC in person.

These documents were submitted to the Working Group established under Lankaran-Astara Con.EC # 76 and as a result of examination, the candidacy of Kh.I.Ahadov was refused from registration by the Con.EC decision # 11/30-4, dated November 20, 2014.

By justifying its decision on the refusal from registering the candidacy of Kh.I.Ahadov, the Con.EC informed that 23 out of 50 signatures included in the submitted signature sheet were considered invalid and due to this reason his candidacy was refused to be registered. During the investigation process the documents which have led to the adoption of the argued decision by the Con.EC and submitted for the candidate registration were requested to be sent by the Con.EC to the Working Group under CEC for opinion providing upon the conduct of relevant investigation. The opinions and protocol dated November 24, 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 I.Kh.Ahadov had been collected in comply with the Election Code. 50 voters' signatures collected by the nominee were considered valid. Since the number of the valid signatures was sufficient for the registration of the candidacy on that municipality and other documents on the candidate had been compiled in accordance with the Election Code, legal grounds were found to register his candidacy.

So, pursuant to Article 215.1.5 of the Election Code, every nominated citizen shall collect 30 valid voters' signatures to be registered to the municipality membership within a territory with more than 4.999 population number. It is justified by a reference of the relevant executive authority that the population number within the territory covered by Mamusta municipality is within the limits as defined by the above-mentioned Article of the Election Code.

So, through a full, comprehensive, fair and impartial investigation legal grounds were determined 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 # 11/30-4 of Lankaran-Astara Con.EC # 76, dated November 20, 2014 on the refusal from registering the candidacy of Kh.I.Ahadov on Mamusta 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 # 1, 2, 3, 4, 5, 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:**

1. The complaint # 08, dated November 24, 2014 by Khalid Ilham Ahadov, nominated on Mamusta municipality of Lankaran-Astara Con.EC # 76 on his own initiative shall be implemented and the Con.EC decision # 11/30-4 dated November 20, 2014 on the refusal from registering his candidacy shall be annulled.
2. The candidacy of Khalid Ilham Ahadov, nominated on Mamusta municipality of Lankaran-Astara Con.EC # 76 on his own initiative 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

Samir Taghiyev