

DECISION

of Central Election Commission of the Republic of Azerbaijan on consideration of the appeal # 27 submitted to the Central Election Commission on January 17, 2020 in the Elections to the MilliMajlis of the Republic of Azerbaijan on February 9, 2020

In his written apply addressed to the Central Election Commission on January 17, 2020, Babek Ali Ismayilov, self-nominee to deputy on Jabrayil-Gubadli Con.EC # 120 in the Elections to the MilliMajlis of the Republic of Azerbaijan on February 9, 2020 challenged the Con.EC decision # 26/78, dated 15 January, 2020 on refusal to register his candidacy and requested to annul that decision and to register his candidacy.

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 submission and investigation of the appeals and complaints filed to the Central Election Commission of the Republic of Azerbaijan and Constituency Election Commissions", 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.

In the appeal nominee B.A.Ismayilov informed that his candidacy had been nominated on own initiative on Jabrayil-Gubadli Con.EC # 120 on January 7, 2020 in the Elections to the MilliMajlis of the Republic of Azerbaijan on February 9, 2020, he was provided with signature sheets on January 9, 2020, signature sheets and other necessary documents attached to them were submitted to the Con.EC on January 10, 2020. By the argued decision of the Con.EC, 72 out of voters' signatures submitted were considered invalid and his candidacy was refused to be registered due to the failure of indicating the property belonging to him based on the right to property in the information on property. Meanwhile, the appeal contained that non-residence apartment which he had not indicated in the information was cancelled as it had been recorded officially on behalf of the other person in 2011, regarding another non-residence apartment, he provided powers of attorney to the other person on June 27, 2019 and since the management of non-residence to that person, he was not interested in the management of that property.

The extract from the state register of real estate confirming the non-residence apartment to belong to the candidate's property and copy of the powers of attorney on that property provided in notary order were attached to the appeal.

The applicant was contacted in connection with the investigation, was informed on his rights to participate in the investigation and the session, his participation was ensured at the session.

The Con.EC substantiated its argued decision on the refusal from registering the candidacy of B.A.Ismayilov on the grounds of not fully indicating the information on real estate belonging to the candidate based on the right to property in the information on

property, as well as, voters' signatures considered valid were not sufficient to register the candidacy.

So that, it is determined from a reference from the State Register Service of Real Estate under the State Committee on Property Issues of the Republic of Azerbaijan, dated 13 January 2020, there were two real estates in different addresses except the flat indicated in the information on property. Therewith, regarding the check of the accuracy of the signatures included in signature sheets by the Working Group, 72 out of 500 signatures, as well as, 29 identical signatures were considered invalid and 428 signatures considered valid were not sufficient to register the candidacy.

Basing on the above-mentioned, the candidacy of B.A. Ismayilov was refused to be registered by the Con. EC decision # 26/78, dated 15 January 2020.

The relevant documents regarding the investigation were required from the Con. EC and submitted to the Working Group under the Central Election Commission. Basing on the protocol and opinion of the Working Group under the Central Election Commission dated January 18, 2020, regarding the check of the accuracy of the signatures included in signature sheets submitted by B.A. Ismayilov, 35 signatures out of the signatures collected for the registration of the candidacy were considered invalid and 465 signatures were considered valid.

Thus, as the signatures considered valid were sufficient to register the candidacy by Article 147.1 of the Election Code, the Con. EC decision was not proper in the part on refusing from registering his candidacy basing on that ground.

The opinion of the CEC Working Group on the check of the information in the information on property submitted by the candidate, dated 18 January 2020 indicated that candidate to deputy Babek Ali Ismayilov possessed a real estate in his property which he had not indicated in the information on property submitted.

It is necessary to note regarding the information included in the appeal of the candidate on the termination of the right to property that the letter provided by the office # 1 of the State Register Service of Real Estate under the State Committee on Property Issues of the Republic of Azerbaijan indicated that the right to property on the real estate had been terminated in accordance with the application approved in notary order on January 17, 2020 in the state register of the real estate.

As the failure of indicating proper information on the real estate belonging to B.A. Ismayilov to the Con. EC has established a legal ground to refuse from registering the candidacy as in comply with Article 60.2.3 of the Election Code, the Con. EC refused to register his candidacy in accordance with legislation.

Basing on the above-mentioned, the Con. EC decision # 26/78, dated 15 January 2020 on the refusal from registering the candidacy of B.A. Ismayilov in the part on insufficient voters' signatures to register the candidacy shall be excluded from the substantiation part as a ground of refusal, but the decision in other part shall be remained enforced without making amendments.

Taking the above mentioned as a basis, pursuant to Articles 19.4, 28.2, 59, 60, 112, 112-1,147 and 148 of Election Code of the Republic of Azerbaijan and item # 1,2,4,6 and 7 of the “Instruction on the rules for submission and investigation of the appeals and complaints filed to the Central Election Commission of the Republic of Azerbaijan and Constituency Election Commissions”, the Central Election Commission decides:

1. The appeal # 27 submitted on January 17, 2020 by Babek Ali Ismayilov, self-nominee to deputy on Jabrayil-Gubadli Con.EC # 120 in the Elections to the MilliMajlis of the Republic of Azerbaijan on February 9, 2020 shall be partly implemented; the Con.EC decision # 26/78, dated 15 January 2020 on the refusal from registering the candidacy of B.A. Ismayilov in the part on insufficient voters' signatures to register the candidacy shall be excluded from the substantiation part as a ground of refusal, but the decision in other part shall be remained enforced without making amendments.

2. The decision shall be enforced upon its publication.

CEC Chairman

Mazahir Panahov

CEC Secretary

Arifa Mukhtarova

CEC Secretary

Mikayil Rahimov