

DECISION

of Central Election Commission of the Republic of Azerbaijan
on the consideration of the appeals # 51, 52 and 53 submitted to the Central Election
Commission on February 3, 2020 in the Elections to the MilliMajlis of the Republic of
Azerbaijan, appointed to February 9, 2020

Regarding the Elections to the MilliMajlis of the Republic of Azerbaijan, appointed to February 9, 2020, registered candidates on Surakhani second Con.EC # 31 – OrkhanRustamKangarli, MehmanRafiqHusyenov and EtibarGasimAliyevapplied to the Central Election Commission of the Republic of Azerbaijan (CEC) on February 3, 2020, challenged the actions of another registered candidate on that Con.EC – Faraj Ibrahim Guliyevduring the conduct of pre-election campaign by preventing M.R.Huseynov from participating in elections and also, requested to undertake relevant measures.

The appeals are summarized in one implementation due containing the same content on the violation of the rules for pre-election campaign and concerning the same registered candidate.

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.

Registered candidate O.R.Kangarli requested to cancel the candidacy of registered candidate F.I.Guliyev on Surakhani second Con.EC # 31 and to undertake relevant measures basing on the audio records broadcasted by M.R.Huseynov on social pages.

Registered candidateM.R.Huseynov noted in his appeal that registered candidateon Surakhani second Con.EC # 31 - F.I.Guliyevcalled to his mobile and said he wanted to meet with him. He went to F.I.Guliyev'selection headquarters located near Narimannov district Police Office together with his authorized representative UlviHasanov and official of Turan Information Agency Aziz Kerimov. F.I.Guliyevsaid he wanted to talk to him in private, therefore did not agree to the participation of U.Hasanov and A.Kerimov. During the conversation F.I.Guliyev offered him 15000 (fifteen thousand) manat if he withdrew his candidacy, also promised in future to render him any kind of assistance with his team, helpinh him to create NGO, youth organization and so on. He disseminated the audio record of these talks via internet. The records showed F.I.Guliyev to have violated strictly the rights of other candidates implied by the Constitution and Election Code of the Republic of Azerbaijan, to gain illegal privilege in elections upon abusing his previous position and financial resources, as well as, to commit actions to direct him by ensuring the vote majority in his favour, thereby influencing in elections. Therefore, he requested to cancel the candidacy of F.I.Guliyev and undertake relevant measures.

Another registered candidate on Surakhani second Con.EC # 31Etibar GasimAliyevindicated in his appeal that he had not encountered with any problem in the registration of his candidacy and during pre-election campaign. He informed that high-level arrangement of elections by CEC and Con.ECs encouraged them to compete for their ideas, but they estimated the action of their opponent F.I.Guliyev to offer another candidate M.R.Huseynov money for withdrawing his candidacy as overshadowing the

elections. Basing on mass disseminated audio materials on social pages, they claimed on strict violations of the rights of other candidates implied by the Constitution and Election Code of the Republic of Azerbaijan during the talks by F.I.Guliyev, thereby requesting to cancel his candidacy and undertake relevant measures.

The applicants were contacted in connection with the investigation, were informed on their rights to participate in the investigation and the session. The participation of O.R.Kangarli and M.R.Huseynov were ensured at the Commissions session, but E.G.Aliyev told he would not be able to come to the session due to valid reasons and he did not come to the session.

Registered candidate F.I.Guliyev was invited to the investigation and he provided relevant report. He confirmed his meeting with M.R.Huseynov and indicated that the conversation lasted for approx. 40 minutes, M.R.Huseynov had made a montage of audio record of that conversation and broadcasted nearly 5-6 minutes of that voice record. He stated that any action directed to violate the election legislation, also laws was not committed between them during that conversation. F.I.Guliyev stated that he had not offered M.R.Huseynov bribery, the plaintiff informed that he suffered from illness and if the results of his analysis were not positive, he would withdraw in elections and leave for treatment. told him that he would render him financial assistance by calling his friends if he went to treatment. Though M.R.Huseynov told that he would response to his offers within short period, afterwards he disseminated the foregoing voice record on social pages. F.I.Guliyev addressed to M.R.Huseynov to publicize the audio record of the conversation between them in full volume on mass media, in this case his claims in media and complaint would not be compatible with that record. Due to that reason, M.R.Huseynov had not publicized the audio record fully.

During the investigation M.R.Huseynov was addressed regarding the cases indicated in the report of F.I.Guliyev to submit the audio record of that conversation to the investigation in full volume that was claimed to have lasted for 40 minutes. He confirmed of not having publicized the conversation fully, indicated that the publicized part had not been made montage, unpublicized part was not connected with the elections, although he told that would submit the mentioned audio record to the Commissions session, he did not fulfil his promise.

Basing on the hearing of audio record of the conversation between registered candidates F.I.Guliyev and M.R.Huseynov, publicized on social pages and reports provided in the investigation process, legal grounds have been established to apply Articles 112-1.11.2 and 113.1 of the Election Code.

Pursuant to Article 112-1.11.2 of the Election Code, an election stakeholder may be warned as in compliance with Article 113.1 of the Election Code.

Pursuant to Article 113.1 of the Election Code, in the cases when a registered candidate, political party, political party blocs, referendum campaign groups violate the Election Code, then the relevant election commission shall warn the registered candidate, political party, political party blocs, referendum campaign groups via mass media upon informing voters.

Basing on the above-mentioned, legal grounds were established to undertake relevant measures due to the violation of the requirements of the Election Code.

Pursuant to 19.4, 28.2, 112, 112-1, 112-1.11.2 and 113.1 of Election Code of the Republic of Azerbaijan and item # 1, 2, 4, 6 and 7 of the "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" the Central Election Commission **decides:**

1. The appeals # # 51, 52 and 53 submitted to CEC on February 3, 2020 by registered candidates on Surakhani second Con.EC # 31 – OrkhanRustamKangarli, MehmanRafiqHusyenov and EtibarGasimAliyev in the Elections to the MilliMajlis of the Republic of Azerbaijan, appointed to February 9, 2020 shall be partly implemented and registered candidate on that Con.EC – Faraj Ibrahim Guliyev shall be warned.
2. The decision shall be enforced upon its publication

CEC Chairman

MazahirPanahov

CEC Secretary

ArifaMukhtarova

CEC Secretary

MikayilRahimov