

DECISION

of Central Election Commission of the Republic of Azerbaijan on consideration of the appeal # 37 submitted to the Central Election Commission on January 27, 2020 in the Elections to the MilliMajlis on February 9, 2020

Mustafa DibirDibirov, registered candidate on Balakan Con.EC # 109 in the Elections to the MilliMajlis on February 9, 2020 and others applied to the Central Election Commission of the Republic of Azerbaijan (CEC) on January 27, 2020, claiming on illegal pre-election campaign in support of another registered candidate on that election constituency NasibMahammadMahamaliyev in Khazar TV and requested to adopt a decision on the cancel his candidacy.

The appeal was adopted for the implementation in comply with Articles 112 and 112-1 of the Election Code of the Republic of Azerbaijan (Election Code) 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.

The plaintiffs claimed in the appeal that during the TV program "Looking for you" broadcasted on January 23, 2020, broadcaster KhoshgadamHidayetqizi informed on charity activity and giving 1500 manats for the treatment of an ill person by N.M.Mahamaliyev, registered candidate on Balakan Con.EC # 109 in the Elections to the MilliMajlis on February 9, 2020.

During the investigation process, the applicants were contacted to and explained on their rights to participate at the investigation and session, also on other rights.

The letter, dated 29 January, 2020 submitted as a response to the inquiry by "Khazar TV" Ltd. regarding the participation of any person representing his interests or the interests of N.M.Mahamaliyev, registered candidate on Balakan Con.EC # 109 in the TV program "Looking for you" concluded that neither registered candidate N.M.Mahamaliyev nor any person representing his interests participated at the TV program "Looking for you" broadcasted on Khazar TV.

The information provided by registered candidate N.M.Mahamaliyev contains that an ill child of a person called Yegana Babayeva was provided with financial assistance by his family members following the announcement for help to the child's treatment in the TV program "Looking for you" in October of 2019. Informing on that assistance in the foregoing program after five months should not have deemed as "voter aggregation".

Through the investigation Yegana Babayeva assisted by the family members of registered candidate N.M.Mahamaliyev was not defined to have been included in the voters' list of Balakan Con.EC # 109.

Thus, the case of violating Article 88.4.1 of the Election Code by registered candidate N.M.Mahamaliyev was not justified.

Based on the above-mentioned, the appeal shall not be implemented.

Pursuant to Articles 19.4, 28.2, 112 and 112-1 of Election Code of the Republic of Azerbaijan and items 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 appeal # 37 submitted by 27 January, 2020 by Mustafa DibirDibirov, registered candidate on Balakan Con.EC # 109 in the Elections to the MilliMajlis on February 9, 2020 and others shall not be implemented due to groundlessness.
2. The decision shall be enforced upon its publication.

CEC Chairman

MazahirPanahov

CEC Secretary

ArifaMukhtarova

CEC SecretaryMikayilRahimov