

DECISION

of Central Election Commission of the Republic of Azerbaijan
on consideration of the appeal # 53 submitted to the Central Election Commission on
January 2, 2020 in the Municipal Elections on December 23, 2019

Regarding the Municipal Elections on December 23, 2019, Salman Kerim Kerimov and Yusif Elyaz Ibrahimli, registered candidates to Tekle municipality of Jalilabad-Masalli-Bilasuvar Con.EC # 69 appealed to the Central Election Commission of the Republic of Azerbaijan (CEC) on January 2, 2020 and arguing the Con.EC decision # 33/187, dated 29 December 2019 regarding the investigation of the law violations on the voting day in the PECs #23, 24, 25 and 26 of that election constituency, they requested to annul the election results on those polling stations.

The appeal was adopted to investigation in accordance 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" and relevant opinion was provided on this issue by a member of the Expert Group under CEC and considered at the Commission session.

The plaintiffs indicated in their appeal that although the low voter turnout in the voting in the PECs # 23, 24, 25 and 26, the PECs artificially increased that number and provided an opportunity for the candidates close to the commission members to be elected municipality members illegally, therefore they expressed their concerns of the investigation by the Con.EC.

During the investigation process registered candidates S.K.Kerimov and Y.E.Ibrahimli were contacted with, informed on their rights to take part at the investigation and session, also to submit any document or material.

Therewith, the argued decision of the Con.EC and other documents were attached to the investigation materials.

Jalilabad-Masalli-Bilasuvar Con.EC # 69 substantiated its decision basing on that the appeal of registered candidates S.K.Kerimov and Y.E.Ibrahimli was not implemented due to groundlessness since the claims on the law violations supposed to have been committed in the PECs # 23, 24, 25 and 26 had not been justified and not any law violation was committed which could have made impossible to determine voters' will on the PECs # 23, 24, 25 and 26 during the conduct of voting or determination of voting results.

It was defined through the investigation that the law violations claimed to have been committed in the PECs # 23, 24, 25 and 26 of Jalilabad-Masalli-Bilasuvar Con.EC # 69 were not justified, voters could express their will by voting, the PEC final voting results protocol was compiled in accordance with the requirements of the Election Code and the Con.EC arrived at a reasonable conclusion.

Thus, the law violations claimed to have been committed on the voting day were not justified and the case is proved by the reports provided by the observers who observed the vote count - E.A.Mirzeyev, J.M.Tahirov, S.B.Aliyev, E.S.Bashirov, Y.E.Aghayev, Sh.E.Aghayev, also other candidates not elected to municipality membership - N.Fatullayev, Y.Sh.Ismayilov, Z.S.Guliyev, E.A.Musayev, chairman of the PEC #

23A.B.Aliyev, commission secretaryA.M.Hadiyev, membersF.B.Kalbiyeva, S.S. Aliyev, chairman of the PEC # 24 A.A.Bahanov, commission secretariesN.S.Gurbanov, G.N.Aliyev, membersSh.J.Mammadov, chairman of the PEC # 25 R.A.Fatullayev, commission secretaryF.A.Mammadov, membersR.R.Talibov, chairman of the PEC # 26I.I.Guliyev, commission secretariesJ.I.Shukurov, R.M.Mammadov, membersS.T.Ibrahimov, A.V.Abbasov. therewith the documents attached to the provided reports point out that plaintiffs S.K.Kerimov and Y.E.Ibrahimli conducted observation in the above-mentioned polling stations for only 5-10 minutes and later, they left those polling stations. It was determined through the investigation that none of the election stakeholders representing those candidates were not accredited to conduct observation as in compliance with Article 40-43 of the Election Code and they did not hold observation.

The information in the voice record attached to the appeal claiming those persons' argued reports to have not been submitted in compliance with the election legislation was not justified, too.

It was found out through the investigation that E.A.Bashirzadeh, chairman of the PEC # 25 and I.Sh.Nuriyev, secretary of the PEC # 26 were temporarily dismissed from the PEC membership until the announcement of the results of the Municipal Elections as in compliance with Article 22.1 of the Election Code.

Legal grounds were not determined as a result of the investigation to implement the complaint and the decision # 33/187, dated 29 December 2019 of Jalilabad-Masalli-Bilasuvar Con.EC # 69 was adopted in compliance with the election legislation.

Basing on the above-mentioned and pursuant to 19.4, 28.2, 23.2, 104.8, 112, 112-1 of Election Code of the Republic of Azerbaijan and items 1, 2, 4, 6, 7 and 8 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 # 53, dated January 2, 2020 filed by Salman KerimKerimov and YusifElyazIbrahimli, registered candidates to Tekle municipality of Jalilabad-Masalli-Bilasuvar Con.EC # 69in the Municipal Elections held on December 23, 2019 shall not be implemented due to groundlessness and the Con.EC decision # 33/187, dated 29 December 2019 shall be remained enforced without making amendments.
2. The decision shall be enforced upon its publication.

CEC Chairman

MazahirPanahov

CEC Secretary

ArifaMukhtarova

CEC Secretary

MikayilRahimov

