

DECISION

of Central Election Commission of the Republic of Azerbaijan on consideration of the appeal # 44 submitted to the Central Election Commission on February 10, 2025 in the Municipal Elections held on January 29, 2025

In the municipal elections held on January 29, 2025, Ismayilov Mubariz Isag, candidate registered for membership on Zagatala municipality of Zagatala-Balakan Con.EC # 111 appealed to the Central Election Commission of the Republic of Azerbaijan (hereinafter referred to as the Central Election Commission) by telegram on February 10, 2025, claiming that the Constituency Election Commission of that constituency did not investigate his complaint, the introductory and decision parts of the decision were different, he was not allowed to participate in filling out the protocol and could not familiarized with the documents and requested that the ballots in the municipal elections be counted with his participation.

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 relevant opinion was provided on filing the appeal upon violating the rules for destination by a member of the Expert Group under CEC and considered at the Commission session.

Candidate M.I.Ismayilov was contacted regarding the investigation and explained his rights to participate in the investigation and the meeting, as well as other rights. Although he was invited to participate in the meeting, he stated that he would not come.

It was determined that the registered candidate M.I.Ismayilov had applied to the Constituency Election Commission of Zagatala Municipality of Zagatala-Balakan Constituency # 111 with an application regarding the alleged violations committed at the polling stations where voting was held on the day of the election. The violations alleged in the application were investigated by the Constituency Election Commission, and the application was deemed unfounded and not satisfied by the Commission's decision # 4/10 dated February 7, 2025.

Relevant documents were obtained from the Constituency Election Commission in connection with the investigation, added to the investigation materials and re-examined.

In his application to the Constituency Election Commission, candidate M.I.Ismayilov alleged that election legislation was violated in one way or another in all 12 precinct election commissions where elections to the Zagatala municipality were held, including that ballots were not counted before voting began at the polling stations, that voters' fingers were marked in only two polling stations, that candidates and observers were not allowed into polling stations, that thousands of voters voted illegally at polling station No. 10, that the number of ballots in the ballot boxes exceeded the number of signatures on the voter list, and that not all ballot boxes were locked in the appropriate manner, and requested the cancellation of the protocol of the Constituency Election Commission on the results of voting in the elections to the Zagatala municipality.

During the investigation process conducted by the Constituency Election Commission in a proper manner and within a reasonable time, the explanations received from the chairmen, secretaries, commission members of the 12 polling stations where the elections to the Zagatala municipality were held, 29 observers who observed at those polling stations, as well as from 9 candidates who were not elected as municipal members according to the voting results, did not confirm the violations claimed by the candidate M.I. Ismayilov. Hajiyev Nazim Nasir, who was at the polling stations with the complainant M.I. Ismayilov on the voting day and was not elected as a municipal member according to the voting results, stated in his explanation that they observed at 12 polling stations with the complainant on the voting day, that no obstacles were created for them, and that he did not observe the violations indicated by the complainant.

The investigation determined that 1,381 voters were registered in the voter list at polling station # 10, where thousands of voters allegedly voted illegally, and 397 voters received ballots on voting day.

As a result of the investigation, the difference in the introductory and concluding parts of the decision of the Constituency Election Commission on not satisfying the candidate's application was not confirmed.

During the re-investigation process regarding the candidate's application, on voting day, the images of webcams installed in Precinct Election Commissions # 1, 2, 5, 6, 7, 8, 9 and 11 covering the Zagatala municipality of Zagatala-Balakan constituency No. 111 were reviewed, and no violations of election legislation were identified in those images.

The investigation determined that the observer, authorized representative, and proxy of candidate M.I. Ismayilov in the municipal elections held on January 29, 2025 were not registered, and the candidate himself conducted observations at various polling stations in a short period of time on voting day and did not appeal to the relevant election commissions regarding the alleged violations.

The applicant's claim that the Constituency Election Commission did not provide him with the opportunity to participate in the investigation and familiarize himself with the documents was not confirmed by the explanations received from the chairman, secretaries, and members of the Constituency Election Commission. It was established that the candidate M.I. Ismayilov was invited to the investigation and the meeting of the commission, and he only participated in the meeting of the commission.

Regarding the request of the candidate M.I. Ismayilov to count the votes in the municipal elections with his participation, it should be noted that as a result of the examination of the protocols on the voting results of the contested precinct election commissions and on the basis of the explanations provided by various election subjects, it was determined that there was no need for a recount of the votes. Thus, the protocols on the voting results were compiled by the precinct election commissions in accordance with the procedure and within the time period provided for by the Election Code and delivered to the Constituency Election Commission.

The investigation determined that the Constituency Election Commission reached the correct legal conclusion and did not implement the application of candidate M.I.Ismayilov by decision No. 4/10 dated February 7, 2025, considering it ungrounded.

Based on the above, there are no legal grounds for implementing the application of candidate M.I.Ismayilov and canceling the decision of the Constituency Election Commission.

Thus, the appeal # 44 dated February 10, 2025 of M.I.Ismayilov, candidate registered on Zagatala municipality of Zagatala-Balaken Con.EC # 111 shall not be implemented since it is ungrounded and the decision # 4/10 dated February 7, 2025 of the Constituency Election Commission shall be remained without being amended.

Based on the above, in accordance with Articles 19.4, 19.14, 28.2, 112, 112-1 of the Election Code the Central Election Commission **decides**:

1. The appeal # 44 dated February 10, 2025 of Ismayilov Mubariz Isag, candidate registered for membership on Zagatala municipality of Zagatala-Balakan Con.EC # 111 in the Municipal elections held on January 29, 2025 shall not be implemented since it is ungrounded and the decision # 4/10 of the Constituency Election Commission dated February 7, 2025 shall be remained without being amended.
2. The decision shall be enforced upon its publication.

CEC Chairman

Mazahir Panahov

CEC Secretary

Arifa Mukhtarova

CEC Secretary

Mikayil Rahimov