

DECISION

of Central Election Commission of the Republic of Azerbaijan on consideration of the appeal # 18 submitted to the Central Election Commission on January 15, 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 15, 2020, Rahimov Zahir Khanoglan, self-nominee to deputy on Absheron Con.EC # 45 in the Elections to the MilliMajlis of the Republic of Azerbaijan on February 9, 2020 challenged the decision # 5/17 of Absheron Con.EC # 45, dated January 14, 2020 on the refusal to register him as a candidate and therefore, requested to restore his offended rights upon the adoption of the relevant decision.

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 upon the investigation of the appeal by the Expert Group member.

Candidate R.Z.Khanoglan stated in his appeal that his candidacy had been nominated on own initiative on Absheron Con.EC # 45, signature sheets collected within the election constituency and other attached documents were submitted to the Con.EC, but as he had not provided the information on the land as a family member except the properties indicated in the information on property, by the argued decision, the Constituency Election Commission refused to register him as a candidate.

During the investigation process the plaintiff was contacted with, informed on his rights to take part at the investigation and session, his participation was ensured at the Commissions session.

The Constituency Election Commission substantiated the decision on the refusal to register Z.Kh. Rahimov as a candidate that the opinion of a member of the working group on checking the information on the candidate's property found out that the candidate had land in his share and as the candidate did not indicate on his property correctly his candidacy was refused to be registered according to Articles 58.1.5 and 60.2.3 of the Code,.

The documents submitted for registration of the candidacy of Z.Rahimov were required and submitted to the Working Group under the Central Election Commission for verification. The opinion of the Working Group, dated January 16, 2020 shows that the agricultural land belonging to the candidate Z.Kh. Rahimov basing on the right to property, but not indicated in the information on property was registered by the state.

It is also noted that the candidate's preliminary financial report was not included in the necessary election documents as in accordance with Article 58.1.6 of the Election Code.

Thus, the failure of Z.Kh. Rahimov to submit accurate information on his property to the Constituency Election Commission, as well as to submit a preliminary financial report is a legal ground for refusal to register his candidacy in accordance with Articles 60.2.2 and 60.2.3 of the Election Code.

Thus, based on the results of the investigation, the complaint shall not be implemented, the decision # 5/17 dated January 10, 2020 of the Constituency Election Commission on refusal of registration of Z.Kh. Rahimov as a candidate 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, 148 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 appeal # 18 submitted by to the Central Election Commission on January 15, 2020 Rahimov Zahir Khanoglan, self-nominee to deputy on Absheron Con.EC # 45 in the Elections to the MilliMajlis of the Republic of Azerbaijan on February 9, 2020 shall be implemented due to groundlessness and the Con.EC decision # 5/17 on refusal to register him as a candidate adopted on January 14, 2020 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