

## DECISION

### **of Central Election Commission of the Republic of Azerbaijan on consideration of the appeal # 14 submitted to the Central Election Commission on January 13, 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 13, 2020, AzerYusifTopchuyev, self-nominee to deputy on Goranboy-Naftalan Con.EC # 96 in the Elections to the MilliMajlis of the Republic of Azerbaijan on February 9, 2020, argued that the Con.EC had not received the election documents to register his candidacy and therefore, requested for the redress of his violated rights upon making a 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 submission and investigation of the appeals and complaints filed to the Central Election Commission of the Republic of Azerbaijan and Constituency Election Commissions”, 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.

In the appeal nominee A.Y.Topchuyev informed that his candidacy had been nominated on own initiative on Goranboy-Naftalan Con.EC # 96 in the Elections to the MilliMajlis of the Republic of Azerbaijan on February 9, 2020, he visited the Con.EC at 17:40 on January 10, 2020 to submit signature sheets and other necessary documents attached to them upon collecting voters’ signatures within that election constituency, but the Con.EC members refused deliberately to receive his documents and the plaintiff attached those documents to the complaint filed to the Central Election Commission.

The applicant was contacted in connection with the investigation, was told to participate in the investigation and the session, and was told that he had other rights.

The Con.EC members were required reports on the inactions argued in the appeal and an electronic data carrier containing video records was added to the investigation materials.

It was determined through the investigation that A.Y.Topchuyev was explained to submit the election documents to the Con.EC for the registration of his candidacy that pursuant to Article 57.11 of the Election Code, the signature sheets submitted shall be subsequently numbered and paged as a folder. Upon receiving the documents after making amendments, he would be provided a reference as in compliance with Appendix # 2 made to the “Instruction the rules for the collection of voters’ signatures in support of a candidate to deputy and their submission to Constituency Election Commissions during the Elections to the MilliMajlis of the Republic of Azerbaijan”.

But candidate A.Y.Topchuyev did not comprehend that suggestion of the Con.EC correctly and instead of submitting the documents in comply with the requirements of

the Instruction, he had been calling the CEC hotline # 115 for several times since that day from 18:03 to complain on not receiving his documents. Afterwards, a responsible official of the CEC called him to inform that the Con.EC had been contacted to and there was not any problem to receive the documents, at the same time he was made aware of the urgency of submitting the signature sheets and the attached documents to the Con.EC.

Candidate A.Y.Topchuyev did not submit the documents to the Con.EC, instead called to the service-call centre "102" of the Ministry of Internal Affairs.

On that day the absence of any obstacle for the candidate to submit the relevant documents to the Con.EC within a manner defined in the legislation and not violating his rights were justified by the reports provided by the Con.EC chairman A.A.Abbasov, secretaries F.N.Maharramov, A.A.Rahimov and leading adviser of the secretariat Z.B.Mammadli on, as well as, the video records in the electronic data carrier.

The appeal shall not be implemented due to groundlessness as the failure of submitting the relevant document for registration to the Con.EC by candidate A.Y.Topchuyev within a manner defined by law on January 10, 2020 had not caused any suspicion during the investigation and instead due to that reason the Con.EC did not commit any inaction and fully facilitated the candidate to submit the documents also after 18:00.

Taking the above mentioned as a basis, pursuant to Articles 19.4, 28.2, 58, 60, 112, 112-1 and 148 of Election Code of the Republic of Azerbaijan and item # 1,2,4,6 and 7 of the "Instruction on the rules for submission and investigation of the appeals and complaints filed to the Central Election Commission of the Republic of Azerbaijan and Constituency Election Commissions", the Central Election Commission decides:

1. The appeal # 14 submitted on January 13, 2020 by AzerYusifTopchuyev, self-nominee to deputy on Goranboy-Naftalan Con.EC # 96 in the Elections to the MilliMajlis of the Republic of Azerbaijan on February 9, 2020 shall not be implemented due to groundlessness.
2. The decision shall be enforced upon its publication.

CEC Chairman	MazahirPanahov
CEC Secretary	ArifaMukhtarova
CEC Secretary	MikayilRahimov