

DECISION

of the Central Election Commission of the Republic of Azerbaijan on the consideration of the appeal # 11 received by the Central Election Commission on November 25, 2014 regarding the Municipal Elections on December 23, 2014

Zakir Musa Suleymanov, registered candidate on Gapanli municipality of Shamkir-Dashkasan Con.EC # 100 appealed to CEC in written form on November 25, 2014 regarding the Municipal elections on December 23, 2014 and informed that Shaheddin Hasan Huseynov had been subjected to criminal liability before and requested to annul the Con.EC decision on the registration of his candidacy.

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.

The applicant was informed on the investigation, also noted on his right to take part in the investigation.

By justifying his appeal, Z.M.Suleymanov informed that Sh.H.Huseynov, registered candidate on Gapanli municipality of Shamkir-Dashkasan Con.EC # 100 had been subjected to corrective labour by the enforced court decision and meanwhile, he had not reimbursed the loss on civil action up today.

A reference provided by Main Operations and Statistics Department of the Ministry of Internal Affairs of the Republic of Azerbaijan reveals that Sh.H.Huseynov was subjected to corrective labour for 2 years upon being deprived of the right to be engaged in certain activity at governmental and local management bodies for 3 years by Articles 308.1 and 46.1 of the Criminal Code of the Republic of Azerbaijan according to the sentence of Shamkir region court, dated August 3, 2012 and by the sentence of Ganja Court of Appeals, dated September 19, 2012 that sentence was changed to be subjected to corrective labour for one year upon being deprived of the right to be engaged in certain activity at governmental and local management bodies for one year.

Article 308.1 of the Criminal Code of the Republic of Azerbaijan that Sh.H.Huseynov had been convicted by is not classified as crimes defined by Articles 15.4-15.5 of that Code.

Pursuant to Articles 13.3.1 and 13.3.2 of the Election Code of the Republic of Azerbaijan, the accused people sentenced to imprisonment by the enforced court decision and prisoners convicted for the crimes (grave, specifically grave) implied by Articles 15.4-15.5 of the Criminal code of the Republic of Azerbaijan shall not have the right to be elected (passive election right) municipality member.

Through a full, comprehensive, fair and impartial investigation legal grounds were found to keep in force the argued decision of the Con.EC without any amendments.

According to the above-mentioned, the complaint shall not be implemented due to its groundless factors and the decision # 21/59 of Shamkir-Dashkasan Con.EC # 100 shall be kept in force without being amended.

By assuming the above-mentioned as a basis and pursuant to Articles 13.3.1, 13.3.2, 19.4, 28.2, 28.4, 60, 112, 112-1 of the Election Code of the Republic of Azerbaijan and items # 1, 2, 4, 6 and 7 of "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", CEC **decides**:

1. The appeal # 11, dated November 25, 2014 by Zakir Musa Suleymanov, registered candidate on Gapanli municipality of Shamkir-Dashkasan Con.EC # 100 shall not be implemented due to its groundless factors.
2. The decision # 21/59 of Shamkir-Dashkasan Con.EC # 100, dated November 22, 2014 shall be kept in force without being amended.
3. The decision shall be enforced upon its publication.

CEC Chairman

Mazahir Panahov

CEC Secretary

Arifa Mukhtarova

CEC Secretary

Mikayil Rahimov