

DECISION

of Central Election Commission of the Republic of Azerbaijan
on consideration of the appeal # 335 submitted to the Central Election Commission on
January 14, 2020 in the Elections to the MilliMajlis of the Republic of Azerbaijan
on February 9, 2020

By applying to the Central Election Commission (CEC), M. Jafarov, chairman of Nizami second (Ganja) Con.EC # 38 informed that it is found out according to the replies to the inquiries sent to the relevant state structures regarding Muzadil Zaur Hasanov, registered candidate on that election constituency in the Elections to the MilliMajlis of the Republic of Azerbaijan, appointed to February 9, 2020, which had been received after the adoption of a decision on the registration of the candidacy, that he was also the citizen of the Russian Federation. In this case, due to incompatibility of that Con.EC decision with the Constitution and Election Code of the Republic of Azerbaijan, the commission chairman immediately applied to CEC by fulfilling his duties undertaken by law and therefore, requested to provide an opinion to that decision.

It was determined through reviewing the election documents required from registered candidate M.Z. Hasanov that he submitted a notification on his nomination on own initiative on Nizami second (Ganja) Con.EC # 38 and application on commitment to the Con.EC on December 19, 2019, and verified by his signature the citizenship of the Republic of Azerbaijan, the right to participate in elections and not having double citizenship and commitments before other countries. His application was considered at the Con.EC session, dated 24 December 2019 and his candidacy was approved. He was submitted signature sheets on December 25, 2019 and on December 31, 2019 he submitted the signature sheets and attached documents in support of his candidacy.

Pursuant to Article 59.1 of the Election Code, the inquiries sent to the relevant state structures by the Con.EC to check the accuracy of the information included in the documents submitted were thoroughly investigated and responded within relevant manner.

Due to much period dedicated to the investigation, the respond letters of some state structures were entered the Con.EC on January 9, 2020. Therefore, since the respond of the inquiry was not entered within the timeframe defined in the Election Code for the registration of the candidacy, the rights of the nominee were ensured in accordance with the principle of the Central Election Commission and lower election commissions – the suspicious cases shall be settled down in favor of the plaintiff – and the candidacy of M.Z. Hasanov was registered and provided with a badge for a registered candidate on January 6, 2020 in accordance with the requirements on the period in the Code.

After the candidacy of M.Z. Hasanov has been registered, it became clear by the responding letters compiled by Ganja city General Police Office basing on the letters by the State Migration Service of the Republic of Azerbaijan and Moscow city General Office of the Ministry of Internal Affairs of the Russian Federation that Muzadil Zaur Hasanov, who was born in Ganja city on April 9, 1975 and is in permanent

registration in Ganja city, Nizami district, P.Samadov street, side street 6, house 11 is also the citizen of the Russian Federation and he was issued a foreign passport 71 № 5280197 on July 8, 2011 by Federal Migration Service of the Russian Federation and a civil passport of the Russian Federation 4513 №325003 on October 7, 2013.

The registration of the candidacy of M.Z.Hasanov who has got double citizenship means direct violation of the requirements of the the Constitution and Election Code of the Republic of Azerbaijan.

So, the part II of Article 85 of the Constitution of the Republic of Azerbaijan implies that persons having double citizenship, those having obligations to other states, those working in the bodies of executive or judicial power, persons involved in other payable activity except scientific, pedagogical and creative activity, religious men, persons whose incapacity has been confirmed by law court, those condemned for grave crime, serving a sentence due to verdict of law court may not be elected the deputies of MilliMajlis of the Republic of Azerbaijan.

Pursuant to Article 13.3.3 of the Election Code of the Republic of Azerbaijan, a citizen of the Republic of Azerbaijan having double citizenship shall not have the right to be elected deputy of the MilliMajlis until their double citizenship remains. Regarding this, it should be noted that the responding letter received by the State Border Service of the Republic of Azerbaijan points out that M.Z.Hasanov's visits to the Republic of Azerbaijan were recorded previously in 42 cases. For the last time, he visited Azerbaijan through the boundary control station "Sadigli" with a civil passport of № RUS 71 5280197 of the Russian Federation on September 12, 2019 and left the country through the "Shikhli" boundary control station with that passport on December 6, 2019. Obviously, after the day announcing the Election to the MilliMajlis of the Republic of Azerbaijan on December 5, 2019 he left the country as a foreign citizen. This proves his citizenship of the Russian Federation currently, in other words, his double citizenship.

Thus, the candidacy of M.Z.Hasanov to deputy was registered by Nizami second (Ganja) Con.EC # 38 on January 6, 2020, his double citizenship was found out some days later, on January 9, 2020 and new cases appeared regarding that. So that, the fact on the registration of a person without passive election right was determined.

Therefore, considering the newly appeared cases, legal grounds have been established to annul the decision # 38/104, dated 6 January, 2020 of Nizami second (Ganja) Con.EC # 38 and re-consider the issue on the registration of the candidacy to deputy of M.Z.Hasanov by that Con.EC.

Pursuant to Article 85 of Constitution of the Republic of Azerbaijan and the Articles 19.4, 13, 25.2.1, 25.2.22, 28.2, 59, 60 and 148.1 of Election Code of the Republic of Azerbaijan, the Central Election Commission **decides:**

1. Considering the cases contrary to Constitution and Election Code of the Republic of Azerbaijan regarding the disclose of the fact on the citizenship of MuzadilZaurHasanov, registered candidate to deputy on Nizami second (Ganja) Con.EC # 38 in the Elections to the MilliMajlis of the Republic of Azerbaijan,

appointed to February 9, 2020, the decision # 38/104, dated dated 6 January, 2020 of that Con.EC shall be annulled and the issue on the registration of the candidacy to deputy of M.Z.Hasanov by that Con.EC shall be re-considered.

2. The decision shall be enforced upon its publication

CEC Chairman

MazahirPanahov

CEC Secretary

ArifaMukhtarova

CEC Secretary

MikayilRahimov