

DECISION

of Central Election Commission of the Republic of Azerbaijan on consideration of the appeal # 32 submitted to the Central Election Commission on January 18, 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 18, 2020, MuzadilZaurHasanov, self-nominee to deputy on Nizami second (Ganja) Con.EC # 38 in the Elections to the MilliMajlis of the Republic of Azerbaijan on February 9, 2020 argued the decision # 45/122, dated January 16, 2019 on the cancel of his candidacy registration and requested to undertake relevant measures for legal remedy of hisrights claimed to have been violated 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 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.

M.Z.Hasanovchallenged the Con.EC decision basing on that Nizami second (Ganja) Con.EC # 38 had refused to register his candidacy by the decision # 45/122 due to the reason of his citizenship of the Russian Federation, but he had withdrawn the citizenship of Russia, i.e. he did not have dual citizenship.

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

The constituency election commission substantiated its decision to refuse to register self-nominee Mr. M.Z.Hasanovbasing on the fact of his citizenship of the Russian Federation.

Documents of candidate M.Z.Hasanovin connection with the filed appeal were requested by Con.EC and investigated. It was revealed that M.Z.Hasanov indicated in the application on commitment submitted to the Con.EC upon signed by himself while nominating his candidacy on own initiative that he was a citizen of the Republic of Azerbaijan, had the right to participate in elections, did not have dual citizenship and commitment before other countries.

But after he has been registered as a candidate to deputy by the Con.EC, a fact on his citizenship of the Russian Federation was revealed in accordance with the information submitted by the relevant state bodies of the Republic of Azerbaijan and Russian Federation. Regarding the case, the Con.EC applied to CEC, and upon considering the cases contrary to the Constitution and Election Code of the Republic of Azerbaijan, concerning the reveal of the fact of citizenship of MuzadilZaurHasanov of the Russian

Federation, registered as a candidate to deputy by Nizami second (Ganja) Con.EC # 38, CEC annulled the Con.EC decision # 38/104, dated 6 January 2020 on the registration of his candidacy and adopted a decision on re-consider of the issue on the registration of M.Z.Hasanov's candidacy by the Con.EC.

Nizami second (Ganja) Con.EC # 38 re-considered the issue on the registration of M.Z.Hasanov's candidacy on January 16, 2020 and basing on his citizenship of the Russian Federation at the time, thereby violating of Article 85 of the Constitution and 13.3.3 of the Election Code of the Republic of Azerbaijan, arrived at conclusion on the legal grounds to refuse from registering his candidacy and adopted a decision on the refusal from registering the candidacy.

During the investigation self-nominee M.Z.Hasanov had not submitted any document confirming his withdrawal of the citizenship of the Russian Federation, in other words, the fact on the lack of dual citizenship.

Basing on the above-mentioned, the decision # 45/122, dated 16 January 2020 of Nizami second (Ganja) Con.EC # 38 on the refusal from registering the candidacy of M.Z.Hasanov shall be remained enforced without making amendments.

Taking the above mentioned as a basis, pursuant to Article 85 of the Constitution and Articles 13, 19.4, 28.2, 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 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 # 32 submitted to the Central Election Commission on January 18, 2020 by MuzadilZaurHasanov, self-nominee to deputy on Nizami second (Ganja) Con.EC # 38 in the Elections to the MilliMajlis of the Republic of Azerbaijan on February 9, 2020 shall not be implemented due to groundlessness and the Con.EC decision 45/122 dated January 16, 2020 shall be remained enforced without being amended.
2. The decision shall be enforced upon its publication

CEC Chairman

MazahirPanahov

CEC Secretary

ArifaMukhtarova

CEC Secretary

MikayilRahimov

