

DECISION

of Central Election Commission of the Republic of Azerbaijan on consideration of the appeal # 14 submitted to the Central Election Commission on August 7, 2024 in the early Elections to the Milli Majlis in September 1, 2024

Regarding the early Elections to the Milli Majlis appointed to September 1, 2024, Jarullayeva Duniyaxanim Jahan, nominated to deputy by Musavat Party on Ismayilli Con.EC # 89 applied to the Central Election Commission of the Republic of Azerbaijan (CEC) on August 7, 2024 and contested the decision # 26/63 of the Con.EC, dated August 6, 2024 on the refusal of registration of her candidacy to deputy, therefore, requested the cancellation of the decision and registration of her candidacy.

The appeal was adopted for the implementation in comply with Articles 112 and 112-1 of the Election Code of the Republic of Azerbaijan (Election Code) 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.

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, and that his participation in the session was ensured.

Candidate D.J. Jarullayeva claimed in her appeal that in the early elections on Milli Majlis of the Republic of Azerbaijan appointed to September 1, 2024 she was nominated on Ismaili Con.EC # 89 by the Musavat Party, by collecting the signatures of the voters, signature sheets and other election documents attached within the territory of that electoral district were submitted to the constituency election commission, however as the information she provided about her properties was not considered correct, the commission refused from her registration as a candidate with the contested decision.

During the inspection of documents related to the registration of the rejected candidacy the Con.EC was not invited to the commission and conditions have not been created for the Con.EC to eliminate the deficiencies found in the election documents.

In D.J.Jarullayeva's complaint, she informed that they were married with Jarullayev Fuzuli Vazir oghlu and purchase and sale of an apartment and a car located in Baku were registered in the name of the spouse which was indicated in the decision as the basis for refusal, which was respectively expropriated by issuing a contract and a power of attorney.

The Constituency Election Commission (Con.EC) based its Decision # 26/63 dated August 6, 2024 on refusing to register D.J.Jarullayeva that the candidate did not show her apartment located in Baku that belongs to her based on the right of ownership and one vehicle in the relevant election document and therefore her candidacy was refused to register according to Article 60.2.3 of the Election Code.

The apartment located in Baku, purchased during joint marriage based on the real estate purchase agreement No. AN-I No.-00118243 dated July 7, 2004, in the name of F.V.Carullayev, husband of candidate D.J.Jarullayeva but it was defined that for registration of title by the purchaser information about that property has not been submitted to the state register of real estate. For this reason, in response to the official request of that apartment since it was shown that it was owned by F.V.Jarullayev, the constituency election commission decided to do so indicated as the basis for refusal to register candidacy. With the research done it was determined that this case was the refusal to register D.J. Jarullayeva as a candidate cannot be considered as a basis.

From the given opinion by the working group operating under the Central Election Commission, it appears that regarding the information about the property presented to the constituency election commission which belongs to F.V.Jarullayev, the wife of D.J.Jarullayeva, who is not mentioned the fact of alienation of a passenger car acquired during the joint marriage since it has not found its approval, that passenger car is currently owned by the latter.

For this reason, the constituency election commission came to the correct conclusion on the basis mentioned adoption of a decision to refuse to register D.J. Jarullayeva's candidacy.

While checking election documents related to registration of candidacy, Constituency election that she was not invited to the commission, as well as it was discovered in the election documents that conditions were not created for her to eliminate the deficiencies.

During the investigation of D.J. Jarullayeva's allegations, it is determined from the explanations the Chairman of the Constituency Election Commission, secretaries and the working group created under the election commission of that constituency that the signature sheets and other necessary election documents during the inspection of the documents, unintentional errors were not found in those documents, candidate and authorized representative of the Musavat Party constituency election not invited to the commission, but on the contrary, when considering the issue of registration of the candidate they were invited to the meeting of the constituency election commission and of the constituency election commission participated in the meeting held on August 6, 2024. At the end the opinion of constituency election the commission and the working group were presented to them.

Thus, the above-mentioned apartment located in Baku it is confirmed that it has been expropriated, since property that is jointly owned and a passenger car not specified in the information are currently owned by F.V. Jarullayev, no legal grounds for annulment of the Decision # 26/63 dated August 6, 2024 on refusal to register D.J. Jarullayeva as a candidate of the Ismayilli Constituency Election Commission #89 have been created.

Based on the above, candidate D.C. Jarullayeva's appeal # 14 dated August 7, 2024 should not be implemented as it is groundless, and the Decision # 26/63 dated August 6, 2024 of Ismayilli Con.EC #89 must be remained in force.

Taking the above mentioned as a basis pursuant to 19.4, 28.2, 58, 60, 112 , 112-1, 147 and 148-1 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 # 14 submitted August 7, 2024 by Jarullayeva Duniyaxanim Jahan, candidate to deputy on Ismayilli Con.EC # 89 in the early Elections to the Milli Majlis of the Republic of Azerbaijan, appointed to September 1, 2024 shall not be implemented due to groundlessness and the Con.EC decision #26/63, dated 6 August, 2024 shall be remained in force without making amendments.

2. The decision shall be enforced upon its publication.

CEC Chairman

Mazahir Panahov

CEC Secretary

Arifa Mukhtarova

CEC Secretary

Mikayil Rahimov