

DECISION

of Central Election Commission of the Republic of Azerbaijan on consideration of the appeal # 32 submitted to the Central Election Commission on February 5, 2025 in the Municipal Elections held on January 29, 2025

In the municipal elections held on January 29, 2025, candidates registered for membership on Rahimli municipality from Shabran-Khachmaz Con.EC # 56 Muradov Rafiq Tofiq, Soltanov Heybat Bagir, Eminov Intigam Khanbala, Meshabayov Ramiz Rza, resident of Rahimli village and others appealed to the Central Election Commission of the Republic of Azerbaijan (hereinafter referred to as the Central Election Commission) on February 5, 2025, challenging the actions of the chairman of the constituency election commission of that constituency, claiming that violations of the law were committed in polling stations # 19, 24, 52 and 53 and requesting that these violations be investigated and appropriate measures be taken in this regard.

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 relevant opinion was provided on filing the appeal upon violating the rules for destination by a member of the Expert Group under CEC and considered at the Commission session.

The persons who applied for the investigation were contacted, their rights to participate in the investigation and meeting, as well as other rights, were explained and the participation of the registered candidates R.T. Muradov and H.B. Soltanov in the investigation was ensured. Although they were duly notified, they did not come to the Commission meeting.

R.T.Muradov, H.B.Soltanov, I.Kh.Eminov and others disputed in their appeals the results of the elections at polling stations # 19, 24, 52 and 53, claiming that the chairman of the Shabran-Khachmaz Con.EC # 56 committed violations of the law and other illegal actions during the formation of the precinct election commissions that conducted elections to the Rahimli municipality in that constituency, as well as that obstacles were created for them during observation at polling stations on election day, that one person voted at two polling stations on voting day that more than one ballot was put into ballot boxes, that they were not allowed to observe when votes were counted and protocols were drawn up, that they were not provided with a certified copy of the protocols drawn up despite their request, and that there were other violations of the law. They demanded that the results of the elections at polling stations # 19, 24, 52 and 53, where elections were held to the Rahimli municipality in that constituency, be considered invalid.

The investigation shall be terminated in relation to Rahimli village resident Meshabayov Ramiz Rza, since he withdrew his complaint to the Central Election Commission regarding the municipal elections held on January 29, 2025.

Although the appeal alleges that the chairman of the Constituency Election Commission of Shabran-Khachmaz Constituency # 56 committed violations of the law and other unlawful actions during the formation of the precinct election commissions for the

Rahimli municipality in that constituency, the investigation did not identify any cases of violation of the requirements of the election legislation by the Constituency Election Commission of the said constituency in the process of forming the precinct election commissions for those precincts. Thus, the formation of 65 precinct election commissions for Shabran-Khachmaz Constituency # 56, including 4 precinct election commissions for the said municipality, in accordance with the requirements of the election legislation, should be considered as a circumstance indicating that the appeal is unfounded in that part.

The 5 video clips on the submitted DVD were reviewed with the participation of the candidates and no circumstances were observed in those videos, which were allegedly shot at polling station #24, that did not allow determining the will of the voters.

While reviewing the 4 copies of the protocols attached to the application, it was determined that the copies of the protocols on the voting results of the precinct election commissions of polling stations # 24, 52 and 53 were drawn up in accordance with the election legislation and were approved with the seal of the relevant precinct election commission, but the copy of the protocol on the voting results of the precinct election commission of polling station # 19 was not the subject of investigation since it was not drawn up and approved in accordance with the requirements of the election legislation.

The official protocols of the precinct election commissions # 24, 52 and 53 on the results of the voting in the polling stations where the voting was held in the Rahimli municipality were obtained from the district election commission and compared with the copies of the protocols submitted to the candidates who applied and other candidates who were not elected, which were approved at those polling stations. During the comparative analysis, although the information in the copies of the protocols submitted for review by other candidates who were not elected was completely identical to the information in the official protocols of the precinct election commissions, discrepancies were identified in the votes cast for some candidates in the protocols submitted for review by the candidates who applied.

Thus, in the copies of the protocols of precinct election commissions # 24, 52 and 53 submitted by the candidates who applied, there was a possibility that the figures reflecting the votes collected by some candidates were later changed and increased.

During the investigation, the chairmen and members of the election commissions whose voting results were disputed, as well as the observers who observed the voting process at those precincts, and other registered candidates who were not elected, did not confirm the occurrence of violations of the law that did not allow determining the will of the voters on the voting day at the contested precincts. Therefore, there were no legal grounds for satisfying the appeal in relation to the precincts where voting was held to Rahimli municipality of Shabran-Khachmaz Con.EC # 56.

Since there are reasonable grounds to believe that the numbers reflecting the votes received by some candidates in the certified copies of the protocol on the results of voting submitted to the election subjects by the precinct election commission in accordance with the procedure provided for in Article 100.11 of the Election Code

submitted for investigation by the complainants have been altered and increased, in accordance with Articles 112-1.6.4 and 112-1.6.5 of the Election Code, in order to determine whether the alleged violation of the law is considered a crime in accordance with the Criminal Code, as well as the likelihood of a criminal act, it is necessary for the Central Election Commission to send the copies of the protocol attached to the complaint to the relevant prosecutor's office, and therefore, those copies of the protocol must be sent to the Prosecutor General's Office of the Republic of Azerbaijan.

Based on the investigation, the appeal # 32 dated February 5, 2025 of the candidates registered for Rahimli municipality from Shabran-Khachmaz Con.EC # 56 - R.T. Muradov, H.B. Soltanov, I.Kh. Eminov and others shall not be implemented as it is ungrounded.

Based on the above, in accordance with Articles 19.4, 19.14, 28.2, 100.11, 112, 112-1 of the Election Code the Central Election Commission **decides**:

1. The appeal # 32 dated February 5, 2025 of registered candidates members of Rahimli municipality from Shabran-Khachmaz Con.EC # 56 - Muradov Rafiq Tofig, Soltanov Heybat Bagir, Eminov Intigam Khanbala and others in the Municipal elections held on January 29, 2025 shall not be implemented as it is ungrounded.
2. The certified copies of the protocols on the results of voting at polling stations # 24, 52 and 53 where elections to Rahimli municipality were held in Shabran-Khachmaz constituency # 56, submitted for investigation by the applicants shall be sent to the Prosecutor General's Office of the Republic of Azerbaijan for investigation.
3. The investigation on that application shall be terminated since Meshabayov Ramiz Rza, resident of Rahimli village withdrew his complaint.
4. The decision shall be enforced upon its publication.

CEC Chairman

Mazahir Panahov

CEC Secretary

Arifa Mukhtarova

CEC Secretary

Mikayil Rahimov