

DECISION

of the Central Election Commission of the Republic of Azerbaijan
on investigation of the appeal # 01 submitted to the Central Election Commission on
January 4, 2025 in the Municipal Elections of the Republic of Azerbaijan, appointed to
January 29, 2025

In his telegram addressed to the Central Election Commission (hereinafter – Central Election Commission) on January 4, 2025, Gafarov Gismet Tahir, self-nominee to the membership of Khol Garabujag municipality from Neftchala Con.EC # 70 in the Municipal Elections of the Republic of Azerbaijan, appointed to January 29, 2025 challenged the Con.EC decision # 2/5, dated 2 January 2025 on refusal to register his candidacy and therefore, requested to annul that decision and to adopt an appropriate decision for the registration of the candidacy.

The complaint was adopted for the implementation in comply with Articles 112 and 112-1 of the Election Code (hereinafter – 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”, was examined by a member of the Expert Group under CEC, provided an opinion and considered at the Commission session.

The applicant was contacted in connection with the investigation, he was explained to participate in the investigation and meeting, as well as his other rights, but he refused to participate in the investigation and session.

G.T.Gafarov substantiated his appeal that based on a power of attorney, the Con.EC refused to register the candidate’s nomination due to the fact that the information about the property of the vehicle, which was given to his son and the income of 7800 manat, despite not receiving a salary, were not disclosed in the information on the candidate’s information on amount and source of income through the violation of Articles 58.1.4 and 58.1.5 of the Election Code. Therefore, he requested the annulment of this decision and the registration of his candidacy.

Con.EC justified its decision to refuse to register the candidacy of G.T.Gafarov with the fact that the information provided by the candidate regarding the amount and source of his income indicated that he had no income during the one-year period. However, during the investigation by the working group, it was discovered that he had an income of 7800 manat during that period. Additionally, he failed to disclose his ownership of a 0.12-ha of land plot and a "Toyota Prius" passenger car in the property information he submitted.

In connection with the investigation, the documents were requested from Con.EC and presented to the working group under CEC for verification.

As a result of the investigation, the working group members provided an opinion on January 5, 2025, along with supporting documents regarding property rights. It was confirmed that the candidate, G.T. Gafarov owned a 0.12-ha residential land plot

located in the village of Khol Garabujag in Neftchala district and a (4-room) private house based on joint ownership rights on a 0.12-ha land in the same village. It was also confirmed that the candidate owned a Toyota Prius passenger car. However, it was determined that these properties were not disclosed in the property information submitted by the candidate.

Furthermore, as a result of the working group's investigation, it was revealed that the candidate for municipal membership, G.T. Gafarov had not disclosed in the information he provided regarding his income. However, it was discovered that he had earnings from the paid employment amounting to 650 manat for December 2023 and 5850 manat for the period from January to September 2024, in total 6500 manat income.

Other cases claimed in the appeal were not justified through the investigation.

According to Article 60.2.3 of the Election Code, the incorrect information provided by candidates, political parties, political party blocs as implied in Articles 57 and 58 of the Election Code shall be the basis for rejection of the candidacy.

According to Article 216.1 of the Election Code, candidates to municipality membership shall be registered within the manner implied in Article 60 of the Code.

Basing on these, the Con.EC decision on refusing to register G.T.Gafarov as a candidate to the membership of Khol Garabujag municipality was grounded. Therefore, there is not grounded basis to implement the complaint.

Thus, the appeal shall not be implemented due to groundlessness and the decision # 2/5 of Neftchala Con.EC # 70 on refusing to register G.T.Gafarov as a candidate to the municipality membership of Khol Garabujag shall be remained enforced without making amendments.

Basing on the above-mentioned and pursuant to Articles 19.4, 28.2, 58, 59, 60, 112, 112-1 and 216-1 of Election Code of the Republic of Azerbaijan and items 1, 2, 4, 6 and 7 of the "Instruction on the rules for filing complaints and appeals to the Central Election Commission and Constituency Election Commissions of the Republic of Azerbaijan and their consideration" the Central Election Commission **d e c i d e s**:

1. The appeal # 01, dated 4 January 2025 by Gafarov Gismet Tahir, self-nominee to the municipality of Khol Garabujag in the Municipal Elections of the Republic of Azerbaijan, appointed to January 29, 2025 shall not be implemented due to groundlessness and the decision # 2/5 of Neftchala Con.EC # 70 dated 2 January 2025 shall be remained enforced without making amendments.
2. The decision shall be enforced upon its publication.

CEC Chairman

Mazahir Panahov

CEC Secretary

Arifa Mukhtarova

CEC Secretary

Mikayil Rahimov