

DECISION

of Central Election Commission of the Republic of Azerbaijan on consideration of the appeal # 16 submitted to the Central Election Commission on January 13, 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 13, 2020, Aghamiyev Murad Natig, self-nominee to deputy on Sumgayit-Khizi Con.EC # 44 in the Elections to the MilliMajlis of the Republic of Azerbaijan on February 9, 2020 challenged on contested the inaction of the constituency and requested to undertake relevant measures for legal remedy of their rights claimed to have been violated.

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.

Candidate M.N.Aghamiyev stated in his appeal that he had completed the collection of voter signatures at 17:45 on January 10, 2020 to register his candidacy for the elections to the Milli Majlis (Parliament) scheduled for February 9, 2020, registered signatures and other election documents were taken Sumgayit Drama Theater where the Constituency Election Commission was located at 5:53 p.m., but he saw the doors closed. The substitute chairman of the constituency election commission created artificial obstacles violating his electoral rights, although he repeatedly called him from 18:03 to 18:11 and to his calls were not answered and therefore, could not submit the signature sheets and other election documents to the commission.

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

The investigation revealed that M.N.Aghamiyev's candidacy was put forward on his own initiative on January 8, 2020, on 10 January at 15:00 his candidacy was approved by the Con.EC and at around 16:00 he was issued signature sheets. The candidate did not submit the signature sheets and other necessary election documents to the Con.EC till 18:00 on January 10, 2020, until the deadline for submission of the documents. On January 11, 2020, he brought the signature sheets and the attached election documents to the Con.EC and asked for their registration by January 10, but refused to submit the documents because his request had not been implemented.

It was determined through the reports from the members of the Con.EC with regard to the investigation and the information received from the other four candidates who were present at the Constituency Election Commission on the same day that the members of the Con.EC carried out the registration of the candidates' documents at their workplace at the time indicated in the appeal of M.N.Aghamiyev. The comments of the commission

members and the information of the candidates, Agamiyev's appealing to the Constituency Election Commission on any issue at that time was not confirmed.

At the same time, a written statement from J.G.Hasanov, duty officer of the Sumgayit State Drama Theater's administrative building, where the constituency election commission is located, proves that the doors of the administrative building were open from 08:00 to 20:00 on January 10, 2020.

Based on the foregoing, it is determined that the candidate although M.N.Aghamiyev brought signature sheets and other documents attached to it not within the period defined by Article 58.1 of the Election Code, but after that period, he refused to present them to the commission.

Thus, the legal basis has not been established through full, comprehensive, objective and impartial investigation of the appeal to implement M.N. Agamiyev's complaint

Taking the above mentioned as a basis, pursuant to Articles 19.4, 28.2, 58, 112, 112-1, 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 # 16 submitted to the Central Election Commission on January 13, 2020 by Aghamiyev Murad Natig, self-nominee to deputy on Sumgayit-Khizi Con.EC # 44 in the Elections to the MilliMajlis of the Republic of Azerbaijan on February 9, 2020 shall not be implemented due to groundlessness.
2. The decision shall be enforced upon its publication

CEC Chairman

MazahirPanahov

CEC Secretary

ArifaMukhtarova

CEC Secretary

MikayilRahimov