

DECISION

of Central Election Commission of the Republic of Azerbaijan
on consideration of the appeal # 57 submitted to the Central Election Commission on
January 4, 2020 in the Municipal Elections on December 23, 2019

Regarding the Municipal Elections on December 23, 2019, Salman Jahangirov Afar Nadir, registered candidate to Erkivan municipality of Masallivillage Con.EC # 71 appealed to the Central Election Commission of the Republic of Azerbaijan (CEC) on January 4, 2020 and arguing the Con.EC decision # 40/458, dated 28 December 2019 regarding the investigation of the law violations on the voting day in the PECs # 1, 2, 3, 4, 5, 6, 37, 38, 41 and 42 of that election constituency, requested to prevent the committed law violations.

The appeal was adopted to investigation in accordance 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" and relevant opinion was provided on this issue by a member of the Expert Group under CEC and considered at the Commission session.

The plaintiff indicated in the appeal that his observers had not got a copy of the PEC protocol after the voting and vote count in the PECs # 1, 2, 3, 4, 5, 6, 37, 38, 41 and 42 and he added a videodisc and observers' appeals to the complaint.

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

Therewith, the argued decision of the Con.EC and other documents were attached to the investigation materials.

Masallivillage Con.EC # 71 substantiated its decision basing on that as the claims on the law violations to have committed in the polling stations on election day were not justified in the appeal addressed to the Con.EC, the request was not clear. Due to that reason, the appeal of A.N.Jahangirov was not implemented due to groundlessness.

During the investigation it was determined that the law violations claimed to have been committed in the PECs # 1, 2, 3, 4, 5, 6, 37, 38, 41 and 42 on the voting day were not justified, voters came to polling stations to express their will independently and the PEC final voting results protocol was compiled in accordance with the Election Code. Thus, the claimed law violations were not justified and the case is proved by the reports provided by the observers who observed the vote count and got a copy of the voting results protocol - F.B.Agayev, Z.A. Asadov, N.F.Cabrayilov, T.N. Bagirova, R.M.Mammadov, Q.K.Aliyev, E.T.Salayev, F.C.Burhanlı, İ.S.Hasanovun, T.M.Samadov, A.M.Agayev, A.A.Aliyev, A.A.Nuraliyev, E.A.İbrahimli, A.H.Bagirovun, İ.S.Ayyubov, R.İ.Hamidov, X.M.Hamidov, also other candidates registered, but not elected to municipality membership - S.L.Shiriyev, N.A.Aliyev.

Therewith, the reports provided by S.F.Mammadov, observer representing candidate A.N.Jahangirov's intereste in the PEC # 2, observerin the PEC # 5 N.B.Atakishiyev, V.Y.Abilovin the PEC # 37, R.B.Jabiyevin the PEC # 38, H.J.Hamidovin the PEC # 42

pointed out that law violations were not committed on E-Day and there was not obstacle to provide the copy of the voting results protocol after the vote counting.

The information in the voice record attached to the appeal displayed pre-election campaigning of candidate A.N.Jahangirov with citizens, those views was not justified to have any relation to the argued law violations.

Legal grounds were not determined as a result of the investigation to implement the complaint and the decision # 40/458, dated 28 December 2019 of Masallivillage Con.EC # 71 was adopted in compliance with the election legislation.

Basing on the above-mentioned and pursuant to 19.4, 28.2, 112, 112-1 of Election Code of the Republic of Azerbaijan and items 1, 2, 4, 6, 7 and 8 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 # 57, dated January 4, 2020 filed by Salman Cahangirov Afar Nadir, registered candidate to Erkivan municipality of Masallivillage Con.EC # 71 in the Municipal Elections held on December 23, 2019 shall not be implemented due to groundlessness and the Con.EC decision # 40/458, dated 28 December 2019 shall be remained enforced without making amendments.
2. The decision shall be enforced upon its publication.

CEC Chairman

MazahirPanahov

CEC Secretary

ArifaMukhtarova

CEC Secretary

MikayilRahimov