

OPINION

of Tofiq Hasanov, member of Expert Group established under Central Election Commission for investigating the complaints about the actions (inactions) violating citizens' election rights on the appeal #06 dated 25 September 2013 by Aliyev Taleh Mammad oghlu, authorized representative of Azerbaijan Umid (Hope) Party the candidate of which has been registered in Presidential Elections of the Republic of Azerbaijan to October 9, 2013

Baku city

September 27, 2013

Investigating the appeal #06 dated September 25, 2013 by Aliyev Taleh Mammad oghlu, authorized representative of Azerbaijan Umid (Hope) Party the candidate of which has been registered in Presidential Elections of the Republic of Azerbaijan to October 9, 2013, as a member of Expert group – Tofiq Hasanov, I determined that:

As the appeal was compiled in accordance with Election Code and Instruction “on rules for submission and processing of complaints and appeals on the violation of election rights filed to the Central Election Commission of the Republic of Azerbaijan and constituency election commissions” and submitted within the period implied for the complaint, it was accepted for investigation.

Having applied to Central Election Commission of the Republic of Azerbaijan on 25 September 2013, Taleh Aliyev, authorized representative of Azerbaijan Hope Party candidate of which had been registered in the Presidential elections of the Republic of Azerbaijan to be held on October 9, 2013 informed that despite the meeting of registered candidate to presidency Iqbal Aghazade with voters in Aghstafa city stadium was officially permitted to be held on 22 September 2013, the meeting was severely obstructed to be conducted under normal and peaceful conditions and in comply with legislation and the administration of the region offended strictly the legal requirements, therefore he requested to take relevant activities for preventing law violations indicated in comply with the Election Code of the Republic of Azerbaijan and other legislative acts and undertaking legal measures on Ramiz Tatarov and other persons who was the main instigator of law violations and gave orders.

As the appeal had been compiled 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 on the violation of election rights to Central Election Commission and Constituency Election Commissions and their consideration by these commissions”, it was accepted for investigation by me – as a member of the Expert Group established under Central Election Commission.

Assuming the principle of ensuring citizens election rights more effectively as a basis, the applicant's appeal was reviewed by Central Election Commission in a manner defined by law.

The applicant was kept contact in the process of investigation and was informed on the right to participate in the investigation and he was invited to assist the investigation and suggested to present the evidences if he had got any additional evidences related to the cases indicated in the appeal.

The followings were determined at the result of thorough, fair and impartial investigation of the appeal that Articles 2, 11, 11-1, 74, 86 of the Election Code of the Republic of Azerbaijan and other legislative acts were not violated during the meeting of registered candidate Iqbal Aghazade with voters.

Thus, the reference submitted by Aghstafa region Police Department includes that since a letter on the official permission on the conduct of campaign meeting of the candidate to

presidency of Hope Party Igbal Aghazade with voters in Aghstafa city stadium from 12.00 till 14.00 on 22 September 2013 had been submitted by the head of region executive authority to the police department, the responsible officials of the department were instructed and involved in service for ensuring public security. Igbal Aghazade came to the stadium around 13.00 on that day and expressing his reproach upon seeing the few voters there, he called them to march in the streets of Aghstafa city. Regarding this, security guards recommended Igbal aghazade and those intending to march to abide by the legal requirements and marching in the streets was prevented. There was not any case related to obstructing voters coming to the meeting by intimidating them by the police and other state officials for preventing the meeting, telling them thoughts about calling to the police and be punished if they participate in the meeting and not any road to the region center from villages was blocked on 22 September 2013. The police did not commit illegal action in any manner for preventing the conduct of the meeting.

Furthermore, there was not break in electricity supply of Aghstafa city stadium on 22 September 2013 according to the reference submitted by Aghstafa Electric Network of "Ganja Regional Electric Network" Ltd of "Azerenergy" Open Stock Company of the Republic of Azerbaijan.

Head of Aghstafa Regional Youth and Sport Office Feyruz Vagif oghlu Hasanov explained during the investigation that all necessary facilities had been provided for the conduct of the meeting in the city stadium as it had been allocated by regional executive authority for meeting of candidate to presidency Igbal Aghazade with voters on 22 September 2013. Thus, the doors of the stadium had been opened from 10.30 on that day and not any shortcoming or break was in the supply of electricity of the stadium. The meeting organizers invited voters to the stadium by using loudspeaker equipment as necessary and in this case, not any illegal action was committed against them. After Igbal Aghazade declared his platform normally, called the people in the stadium to march in the streets of the city, but it was prevented by the police near the entrance of the stadium.

Ramiz Jahangir oghlu Tatarov, first deputy head of Aghstafa region executive authority and chair of Aghstafa region organization of New Azerbaijan Party informed during the investigation that he had taken leave since 13 August 2013. When he was in rest park near Aghstafa city stadium for following the campaign of another candidate around 12 on 22 September 2013, authorized representative of Azerbaijan Hope Party Taleh Aliyev approached to him and thanked for the lack of any problems in the period of his presence during the preparation of the event and asked him to provide assistance due to some obstacles for voters to come to the meeting. Informing his unawareness of any problem for the meeting, Ramiz Tatarov told that he would show necessary assistance in case of any difficulties. Not any cases of making pressures or influence on voters happened for preventing the meeting in the park around the stadium. The above-stated pressures and influences were not allowed personally by Ramiz Tatarov, as well as, not any illegal action was committed in any form against the meeting organizers and authorized representatives of the candidate, as well as, Taleh Aliyev and Ruslan Mursalov. The meeting lasted for short period of time because the few people took part and Igbal Aghazade called them to march in the streets of Aghstafa city, but it was prevented by the police.

Ali Zeynalabdin oghlu Mammadov, member having consultative right at the PEC # 14 of Aghstafa Con.EC # 108 appointed by registered candidate Jamil Hasanli informed in his explanation during the investigation that he also took part at the meeting of Igbal Aghazade with voters in Aghstafa city stadium on 22 September 2013 and did not observe any law violations. Thus, Igbal Aghazade was also facilitated equally as during the meeting of the authorized representatives of Jamil Hasanli organized in Aghstafa city a day before, on 21 September 2013.

Baba Mahmud oghlu Babanli informed in his explanation during the investigation that while he was resting in the park near Aghstafa city stadium on 22 September 2013, he heard the

calls of Igbal Aghazade to some persons standing on the entrance door of Aghstafa city stadium to march in the streets of the city and later, saw the police to obstruct them. As an old city inhabitant he approached them and advised to not break the stability and tranquility in the region and generally, in the country, but these persons did not listen to his advice, instead did not pay any attention to his words. Though these actions of them humiliated personality of Baba Babanli, he did not tell any sabotage opinions against them or other people there, only expressed his objection orally.

Kamal Mahammad oghlu Mehdiyev informed in his explanation during the investigation that as he had been invited to the meeting of Igbal Aghazade with voters in Aghstafa city stadium on 22 September 2013, he took part in the meeting for interest. Due to the few people coming to Aghstafa city stadium for the meeting, it ended after short period of time. Igbal Aghazade called the persons in the stadium to march in the city streets after the meeting ended, but he directly saw the police near the entrance door to obstruct them. Despite he asked Igbal Aghazade as an old man the purpose of this marching, he did not pay any attention to him. And this attitude affected him, therefore, he expressed his objection and left the meeting area.

Thus, the claims indicated in the appeal of authorized representative of Azerbaijan Hope Party Taleh Aliyev regarding the serious obstacles for the conduct the meeting under normal, peaceful conditions and in comply with the legislation and violation of Articles 2, 11, 11-1, 74, 86 of the Election Code of the Republic of Azerbaijan by the region administration during the meeting of registered candidate to presidency Igbal Aghazade in Aghstafa city stadium on 22 September 2013 in the Presidential elections of the Republic of Azerbaijan, could not be justified. Authorized representative Taleh Aliyev did not present a reliable evidence during the investigation and could not prove the cases referred to by him as a ground in the appeal.

Taking the above mentioned as a basis, Pursuant to Articles 112, 112-1 of the Election Code of the Republic of Azerbaijan and Articles 1, 2, 4, 6, 7 and 8 of the Instruction "On the rules for filing the appeals and complaints on violation of election rights to Central Election Commission and Constituency Election Commissions and their consideration by these commissions", **I came to opinion:**

1. The appeal #06 dated 25 September 2013 by Taleh Aliyev, authorized representative of Azerbaijan Umid (Hope) Party, the candidate of which has been registered to presidency in Presidential Elections of the Republic of Azerbaijan on October 9, 2013 shall not be implemented due to groundlessness.
2. The opinion shall be published within 18 hours from the moment of its adoption (on the web site of Central Election Commission) and a copy should be sent to the applicants.

Member of Expert group

Tofiq Hasanov