

OPINION

of Ilkin Shahbazov, member of Expert Group established under Central Election Commission for investigating the complaints about the actions (inactions) violating citizens' election rights on the appeal #18 dated October 14, 2013 by Mustafa Mustafa oghlu Hajili, authorized representative of registered candidate to presidency Jamil Hasanli in Presidential Elections of the Republic of Azerbaijan to October 9, 2013

Baku city

16 October 2013

Investigating the appeal #18 dated October 14, 2013 by Mustafa Mustafa oghlu Hajili, authorized representative of Jamil Hasanli, registered candidate to presidency in the Presidential elections of the Republic of Azerbaijan appointed to October 9, 2013, as a member of Expert group – Ilkin Shahbazov, 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.

Appealing to the Central Election Commission of the Republic of Azerbaijan in written form on October 14, 2013, Mustafa Hajili, authorized representative of Jamil Poladkhan oghlu Hasanli, registered candidate for presidency in the Presidential elections of the Republic of Azerbaijan conducted on October 9, 2013 requested to adopt a new decision by canceling the decision # 11/26 dated 13 October 2013 of the election constituency which did not implement the complaint on this case despite the legislation requirements had not been abided by during the compile of the protocols on the voting day in none of the polling stations of Khatai first Con.EC # 33.

As the appeal had been compiled in comply with Article 112-1 of the Election Code of the Republic of Azerbaijan and “Instruction on the rules for filing and consideration of the appeals and complaints to the Central Election Commission and Constituency Election Commissions of the Republic of Azerbaijan”, it was adopted to the implementation.

Thus, it was determined through detailed, fair and impartial investigation of the appeal that as the claims on the compile of the protocols of the polling stations on this constituency by offending the legislation requirements were

of a general nature and had not been justified, the appeal shall not be implemented by being regarded groundless.

So that, the only act submitted as an evidence by Mustafa Hajili, complainer who had participated in the investigation process and signed on behalf of a member with decisive right Zarifa Yusif gixi Gulamova concerned the cases claimed to have happened in all the polling stations. As it is not easy to make sense of the presence of two people in 35 polling stations at the same time and recording this or another law violation officially, it is impossible to adopt this act as a document of evidence.

At the same time, it was determined by the Central Election Commission that the cases claimed in the explanations provided by 111 persons of different status who had conducted observation on the voting day in the polling stations covering the relevant constituency had not been justified, instead, the process had fully met the legislation requirements.

The persons who conducted observation in different polling stations of Khatai first Con.EC # 33 – Murad Ulfat oghlu Tarverdiyev and Bayram Musaali oghlu Ahmadov at the PEC # 1, Hasan Ismayil oghlu Gafarov at the PEC # 3, Rahib Hasanbala oghlu Hasanov at the PEC # 5, Elkhan Alibala oghlu Huseynov at the PEC # 10, Geray Hamid oghlu Aliyev and Ramiz Mammad oghlu Ibrahimov at the PEC # 17, Mehriban Yusif gixi Salmanova at the PEC # 19, Jeyhun Ibrahim oghlu Hasanov at the PEC # 22, Abbasali Bayram oghlu Guliyev and Shahin Avaz oghlu Mammadov at the PEC # 23, Nahid Zaid oghlu Gafarov at the PEC # 34 informed in their explanations that they came to the above-mentioned polling stations around 07.45 on October 9, 2013 and had observed the election process in the foregoing polling stations from the beginning till then end, monitored the vote counting and filling out the voting results protocol and had not witnessed any law violation in this period, as well as, had left the polling station after getting the copy of the voting results protocol.

Faig Gulmammad oghlu Akhundov who had conducted observation in breaks at the PEC # 6 on the above-mentioned constituency, Mushfig Firdovsi oghlu Aghayev at the PEC # 7, Ibrahim Kerbalayev at the PEC # 8, Kerim Kerimov at the PEC # 9, Samir Arif oghlu Garayev at the PEC # 10, Ismayil Laliverdi oghlu Pashayev at the PEC # 11, Gulagha Huseyin oghlu Jafarov at the PEC # 18, Sevinj Aslan gixi Pashayeva and Ashraf Zeynal oghlu Zeynalov at the PEC # 19, Tahir Eyyub oghlu Hagverdiyev at the PEC # 22, Anar Arif oghlu Unbayev, Habil Amir oghlu Abdullayev, Sekhavet Musa oghlu Najafov at the PEC # 23, Teymur Allahverdi oghlu Gambarov and Anar Asif oghlu Jabrayilov at the PEC # 24, Natig Mustafa oghlu Baghirov at the PEC # 29, Shafa Nuraddin oghlu Hamidov at the PEC # 13, Vasif Akbarov at the PEC # 20, Zohrab Aghayev at the PEC #

25, Rovshan Ferman oghlu Hasanov at the PEC # 30, Jeyhun Vagif oghlu Abdullayev at the PEC # 28 indicated in their explanations that they had followed the voting procedure in certain breaks and did not witness any law violation and stated that the voting process was conducted in comply with legislation requirements. At the same time, the explanations also include that they obtained the copies of the protocols filled out in comply with legislation requirements without any obstacle.

The following persons conducted observation in the following PECs of the above-mentioned constituency – Bahman Bashir oghlu Mammadov at the PEC # 27, Rahim Vagif oghlu Kerimov at the PEC # 15, Rena Mammad gizi Guliyeva at the PEC # 14, Bakhtiyar Mayis oghlu Tahirov at the PEC # 3, Ramiz Huseyin oghlu Huseynov and Sujaet Aghasalim oghlu Guliyev at the PEC # 1, Rasim Husu oghlu Bayramov at the PEC # 5 provided in their explanations that they had observed the election process, came to the polling stations after the start of the voting, monitored the process of vote counting and filling out the voting results protocols till the end, as well as, they did not register any law violation and were provided the copies of the protocol.

Furthermore, commission members with consultative rights, Javid Sattar oghlu Azmirov at the PEC # 20, Azer Aliyev at the PEC # 16, Elnur Yusif oghlu Huseynov at the PEC # 33 and Hasan Ismayil oghlu Gafarov at the PEC # 3 provided in their explanations that the voting process had been conducted in comply with legislation requirements, the voting results protocol had been compiled under their observation and they left the polling station after getting a copy of it.

Furthermore, different authorized persons who observed the voting process, vote counting and filling out of the voting results protocols on all the polling stations of Khatai first Con.EC # 33 compiled different acts on compliance of the process with legislation on that day.

It's worthy to specially note on the act compiled by 10 persons at the PEC # 30 that representatives of different forces signed the act – Elnur Kamal oghlu Abdurahmanov (BAXCP), Ilham Adil oghlu Mehdiyev (ASRP), Anar Hamid oghlu Hasanov (BQP), Ikhtiyar Gahramanov (Justice Party), Teymur Vagif oghlu Safarov (YAP), Ilgar Orkhan oghlu Aliyev (AVP), Emil Nahid oghlu Hasanov (independent), Parviz Adalet oghlu Mustafayev (BAXCP) along with representative of National Council Ramin Akif oghlu Mehdiyev also admitted that the process had been conducted in comply with legislation.

It was also determined through the investigation that the acts which had been compiled with the participation of 15 persons at the PEC # 24 and 9

persons at the PEC # 25 and approve the conduct of the election process in comply with legislation were verified by signatures of the representatives of National Council Ramin Ilyas oghlu Jamalov and Rovshan Shovlat oghlu Imanov.

The acts compiled at the PECs # 14 and 15 included that along with the representatives of different parties, international observers also informed on the lack of any law violation in these polling stations.

Taking the above mentioned as a basis, pursuant to Articles 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 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 # 18 dated 14 October 2013 submitted by Mustafa Mustafa oghlu Hajili, authorized representative of Jamil Poladkhan oghlu Hasanli, registered candidate for presidency in the Presidential elections of the Republic of Azerbaijan conducted on October 9, 2013 shall not be implemented due to groundlessness and the Decision # 11/26 dated 13 October 2013 by Khatai first Con.EC # 33 shall be remained without being made any amendments.

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

Ilkin Shahbazov