

OPINION

**of Ramiz Ibrahimov, member of Expert Group established under
Central Election Commission for investigating the complaints about
The actions (inactions) violating citizens' election rights on the appeal
by Gulagha Aslanli, authorized representative of registered candidate
to presidency Jamil Hasanli in Presidential Elections of
the Republic of Azerbaijan to October 9, 2013**

Baku city

27 September 2013

Investigating the appeal #10 dated September 27, 2013 by Gulagha Aslanli, 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 – Ramiz Ibrahimov, I determined that:

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.

Having applied to Central Election Commission of the Republic of Azerbaijan on September 27, 2013, Gulagha Aslanli, authorized representative of Jamil Hasanli, registered candidate in the Presidential elections of the Republic of Azerbaijan appointed to 9 October 2013 informed that requirements for campaign implied in the Election Code had been violated during monitoring of state and private TV channels functioning within the republic on 1-31 August 2013 and requested to undertake relevant measures on this.

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.

It was determined at the result of investigation that the appeal had been submitted after the deadline. So, pursuant to Article 112.1 of the Election Code, voters, candidates, registered candidates, political parties, blocs of political parties, referendum campaign groups, agents of registered candidates, political parties, blocs of political parties, referendum campaign groups, observers, and election commissions may file complaints about decisions and actions (lack of actions) which violate citizens' right to vote within 3 days of the date the decision is published or made, or the date actions (lack of actions) occurred, or the interested person is informed about it.

According to the Article 112-1.3.3 of the Code, if the complaint is received in violation of the rules established by this Code, an opinion must be issued on sending the complaint back to the applicant.

According to the Article 112-1.14, opinion of the member of expert group must be based on the following:

112-1.14.1 – The complaint must be received within the rules and period established by the law, i.e. within 3 days after the action (lack of action) took place or interested party is informed.

According to the above-mentioned, the appeal shall be returned back to the applicant as it has been filed through violating the Election Code of the Republic of Azerbaijan.

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 #10 submitted on 27 September 2013 by Gulagha Aslanli, authorized representative of Jamil Hasanli, registered candidate in the Presidential elections of the Republic of Azerbaijan on October 9, 2013 shall be returned back to the complainer it has been submitted by missing deadline.

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

Ramiz Ibrahimov