

## OPINION

of Mr. Ramiz Ibrahimov, member of Expert Group under CEC to investigate the complaints against actions (inactions) and decisions violating citizens' election rights in the Municipal Elections on December 23, 2014

on the appeal 01 submitted to CEC on November 18, 2014

Baku

20 November 2014

Having investigated the appeal 01 submitted to CEC on November 18, 2014 on the annul of the Con.EC decision on the refusal from registering the candidacy of Arif Abdul Sadigov nominated on his own initiative on Mahmudavar municipality of Lankaran-Masalli Con.EC # 75 in the Municipal elections on December 23, 2014, as a member of Expert Group Ramiz Ibrahimov, I have determined that:

Since the appeal had been submitted in comply with Articles 112 and 112-1 of the Election Code of the Republic of Azerbaijan and the Instruction "On the rules for submission and processing of appeals and complaints on the violation of election rights to the Central Election Commission and Constituency Election Commissions of the Republic of Azerbaijan" approved by the CEC decision # 11/53 dated August 12, 2008 (amended by decisions # 6 dated July 23, 2010 and # 5/16 dated October 19, 2012), it was accepted for implementation and relevant investigation was held on this.

By justifying his complaint, the complainer informed that he had nominated his candidacy on his own initiative on Mahmudavar municipality of Lankaran-Masalli Con.EC # 75 in Municipal elections on December 23, 2014, submitted signature sheets and other necessary documents attached to them to the Con.EC upon the collection of voters' signatures within that municipality, but his candidacy was refused from registration by the Con.EC decision # 16/38 dated November 14, 2014 without any reason.

During the investigation process the documents which have led to the adoption of the argued decision by the Con.EC and submitted for the candidate registration were requested to be sent by the Con.EC to the Working Group under CEC for opinion providing upon the conduct of relevant investigation.

By justifying its decision on the refusal from registering the candidacy of A.A.Sadigov, the Con.EC informed that he had not included the candidate information in the signature sheet and the information on voters signing the signature sheet had been included by several persons.

The applicant was informed by me on the investigation, also noted on his right of presenting additional evidences and documents on the complaint and invited to take part in the investigation. He informed that initially he had sent a telegram on the annul of the Con.EC decision, on the next day submitted an application with the attached copy of the argued decision.

He pointed out that while providing him with signature sheet, he was not shown to write his surname, name, patronymic and other information or not explained on the necessity of writing that information.

Through a full, comprehensive, fair and impartial investigation legal grounds were determined to annul the argued decision of the Con.EC and to implement the complaint.

The opinion and protocol dated November 20, 2014, compiled as a result of examining the documents necessary for the candidate registration by the Working Group revealed that voters' signatures included in the signature sheet submitted by A.A.Sadigov, candidate to municipality membership for the candidacy registration had been collected in comply with the Election Code. 12 voters' signatures out of 50 voters' signatures collected by the candidate were considered invalid as they had been signatures of the voters without full information and 38 voters' signatures were considered valid. Since the number of the valid signatures was sufficient for the registration of the candidacy on that municipality and other documents on the candidate had been compiled in accordance with the Election Code, there were legal grounds to register his candidacy. So, pursuant to Article 215.1.5 of the Election Code, every nominated citizen shall collect 30 valid voters' signatures to be registered to the municipality membership within a territory with more than 4.999 and less than 9.999 populations. It is justified through a reference submitted by the relevant executive authority that the population number within the territory covered by Mahmudavar municipality is within the limits defined by the above-mentioned Article of the Election Code.

Pursuant to Article 57.4 of the Election Code of the Republic of Azerbaijan, a voter shall include their surname, name, patronymic, date of birth, address of residence, serial number of ID card or its substitute document, date of issue and date of signature while signing the signature sheet. The information necessary for inclusion on the signing voters could be entered the signature sheet by the person collecting signatures. The indicated information shall be handwriting and guaranteed to not be disseminated.

Article 60.2 of the Election Code defines the grounds for the refusal from registering the candidacy. While adopting a decision on the refusal from registering the complainer's candidacy, the Con.EC had not taken into consideration the requirements of that article.

According to the above-mentioned, the complaint shall be implemented due to its grounded factors, the decision # 16/38 of Lankaran-Masalli Con.EC # 75, dated November 14, 2014 on the refusal from registering the candidacy of A.A.Sadigov on Mahmudavar municipality shall be annulled and his

candidacy to the municipality membership on that election constituency shall be registered.

Pursuant to Articles 59, 60, 112, 112-1, 215.1.5, 216.1 of the Election Code of the Republic of Azerbaijan and items # 1-7 of “On the rules for submission and processing of appeals and complaints on the violation of election rights to the Central Election Commission and Constituency Election Commissions of the Republic of Azerbaijan”, **I have arrived at a conclusion:**

1. The complaint # 01, dated November 18, 2014 by A.A.Sadigov nominated on Mahmudavar municipality of Lankaran-Masalli Con.EC # 75 on his own initiative shall be implemented and the Con.EC decision # 16/38 dated November 14, 2014 on the refusal from registering his candidacy shall be annulled.
2. The candidacy of Arif Abdul Sadigov, nominee on Mahmudavar municipality of Lankaran-Masalli Con.EC # 75 on his own initiative shall be registered to municipality membership.
3. The opinion shall be published no later than 18 hours upon its adoption (shall be posted on the website) and its copy shall be sent to the applicant.

Expert Group member

Ramiz Ibrahimov