

OPINION

**of Rafiq Abbasov, member of Expert Group established under
Central Election Commission for investigating the complaints about the
actions (inactions) violating citizens' election rights on the appeal #05 dated 23
September 2013 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

September 25, 2013

Investigating the appeal #05 dated September 23, 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 - Rafiq Abbasov, 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 in written form to Central Election Commission of the Republic of Azerbaijan on 23 September 2013, Gulagha Aslanli, authorized representative of Jamil Hasanli, registered candidate in the Presidential elections of the Republic of Azerbaijan on October 9, 2013 informed that on 22 September 2013, 5 young persons supporting the interests of the candidate represented by him were detained by the police on the entrance of subway station "Azadlig prospekti" and were taken to police office № 5 Binagadi district Police Office and exposed to physical violence there, they were released after the police took the campaign materials (17 shirts, 220 posters and slogans) belonging to Jamil Hasanli, on that day taxi and other cars which were being driven from Sumgayit to Baku were stopped and made to go back to Sumgayit by the state traffic police without any reason, furthermore, the voters going to "Inshaatchilar" station were troubled by turning the subway trains in the route "Hazi Aslanov" – "Darnagul" to the station "Icherishahar" from 15.00 until 16.40, after the meeting with voters by the candidate to presidency whose interests are represented by him ended on that day, the police went to the house of one of the activists of Musavat Party Vasif

Huseynov and required his parents to deliver him to come to Yasamal district Police Office, therefore, applicant requested to appeal to Baku city Main Police Office, Baku Metropolitan and Yasamal district Police Office for the punishment of the organizations and persons who have committed the illegal actions as supposed in the appeal.

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.

As there were grounds for the implementation of the applicant's request on investigating the law violations claimed in the appeal by relevant bodies and undertaking necessary measures, the appeal shall be sent to Baku city Main Police Office (since Yasamal district Police Office also is under the subordination of Baku city Main Police Office) and Baku Metropolitan and the applicant shall be informed on the result.

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 and 7 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 filed to Central Election Commission on 23 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 sent to Baku city Main Police Office and Baku Metropolitan for the investigation on determination and undertaking relevant measures on this.

2. The complainer shall be ensured to be informed on the result of investigation.

3. 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

Rafiq Abbasov