

OPINION

of Mr. Gabil Orujov, Member of Expert Group under Central Election Commission of the Republic of Azerbaijan established with the aim of investigating the complaints of actions (inactions) and decisions that violate citizens' suffrage on investigating the appeal # 95 dated on December 22, 2009 submitted by candidates to Jeyirli municipality, Gobustan region Asef Mammadov and Ibrahim Babayev in municipal elections conducted on December 23, 2009

Baku city

22 December 2009

At 15.00

On December 21, 2009, candidates to Jeyirli municipality, Gobustan region Asef Mammadov and Ibrahim Babayev, applied to the Central Election Commission of the Republic of Azerbaijan with written apply regards to the municipal elections appointed on December 23, 2009.

As the appeal was not compiled in accordance with Election Code and Instruction "on rules for filing and processing of complaints and appeals on the violation of election rights by the Central Election Commission of the Republic of Azerbaijan and constituency election commissions", it was not accepted for investigation.

Upon considering the appeal, it was determined that the appeal does not contain a clear request.

According to the requirements of provision 2.1.9 of the above mentioned Instruction, the complaint should contain a request of an applicant. In accordance with Provision 2.5 of the above mentioned instruction, if the complaint does not indicate a request and therefore the request is not clear, the complaint shall be sent back to the applicant.

Pursuant to Provision 7.1 of the Instruction, after the registration of a complaint by election commission and its assignment to the expert, the very same expert shall ensure the initial review of the complaint. If the expert realizes that the rules on reception of a complaint specified by the Election Code and Instruction have been violated, in that case, he/she shall make a recommendation about the return of the complaint to the applicant after informing the Coordinator about the matter.

Based on the statements mentioned above and in accordance with Articles 112 and 112-1 of Election Code of the Republic of Azerbaijan and provisions 1, 2, 4, 6, 7 of the Instruction, **I came to opinion:**

1. To send the appeal # 95 on December 22, 2009 submitted by Asef Mammadov and Ibrahim Babayev, back to the applicants due to the fact that the appeal does not contain a clear request;
2. The opinion shall be published within 24 hours from the moment of its adoption (it shall be located on the web site of Central Election Commission) and a copy should be sent to the applicant.

Member of Expert Group

Gabil Orujov