

OPINION

of Mrs. Irada Hajiyeva, 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 # 93 dated on December 22, 2009 submitted by the candidate to Shingedulan municipality of Lerik region Nezerov Idret Zulen in municipal elections conducted on December 23, 2009

Baku city

23 December 2009

At 12.00

On December 26, 2009, candidate to Shingedulan municipality of Lerik region Nezerov Idret Zulen, 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 compiled in accordance with Articles 112 and 112-1 of 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 accepted for investigation.

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

It was determined that the general requirements for filing out a complaint are indicated in Provision 2 of the 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".

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 19.4, 28.2, 112 and 112-1 of Election Code of the Republic of Azerbaijan and provisions 1, 2, 4, 6, 7 of the 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”, **I came to opinion:**

1. To send the appeal # 93 on December 22, 2009 submitted by candidate Nezerov Idret Zulen 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 under
Central Election Commission

Irada Hajiyeva