

OPINION

of Mr. Rafig Abbasov, 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 # 271 dated on December 29, 2009 submitted to Central Election Commission by the citizen Tofiq Seyidehmedov and others in municipal elections conducted on December 23, 2009

Baku city

30 December 2009

At 15.00

On December 29, 2009 candidate to Rustov municipality of Guba election constituency constituency election commission # 52, Tofiq Seyidehmedov and others applied to the Central Election Commission of the Republic of Azerbaijan, related to the municipal elections conducted on December 23, 2009, asking to undertake appropriate measures regarding some violations of law in election precincts # 34, 36, 38 and 39.

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.

Taking into consideration the fact that the constituency election commission should determine facts indicated in the appeal, the appeal shall be send for investigation and undertaking appropriate measures to the Guba election constituency constituency election commission # 271.

According to Article 31.1.1 of Election Code of the Republic of Azerbaijan, the constituency election commission shall supervise observation of suffrage of citizens of the Republic of Azerbaijan in the territory of the election constituency.

According to Provision 8.6 of the above mentioned Instruction, decision on forwarding the complaint to the relevant agencies must be made, if the processing of a complaint received is not under the jurisdiction of a respective commission.

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 # 271 of December 29, 2009 for investigation to the constituency election commission of Guba election constituency # 52 due to the relevance of the appeal to the commission's authority;

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

Rafiq Abbasov