

OPINION

of Mrs. Valida Kazimova, 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 dated on 24 December 2009 by citizens Hajiyev Safa Sovet and Abbasov Sahib Imran related with Municipal Elections appointed to 23 December 2009

Baku city

24 December 2009

At 13.00

On December 24, the inhabitants of Agjabedi region Hajiyev Safa Sovet and Abbasov Sahib Ibrahim applied to the Central Election Commission of the Republic of Azerbaijan with a written appeal.

As the appeal was not legally compiled pursuant to Article 112 and 112.1 of Election Code and "Instruction on the rules for submitting complaints and appeals related to violating suffrage to Central Election Commission and Constituency Election Commissions and considering them", it was not accepted to 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 same 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.

Taking the above mentioned as a basis, pursuant to Articles 112, 112-1 of Election Code of the Republic of Azerbaijan and Item 1,2,4,6 and 7 of Instruction, **I came to conclusion:**

1. Inhabitants of Aghjabedi region Hajiyev Safa Sovet and Abbasov Sahib Ibrahim 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 since its adoption (it shall be located on the web site of the Central Election Commission) and its copy shall be sent to the complainer.

Member of Expert Group under
Central Election Commission

Valida Kazimova