

DECISION

of the Central Election Commission on consideration of an appeal # 552 of January 06, 2009 submitted by candidate to municipality Muslum Osman oghlu Mammadov and others, appeal # 629 of January 08, 2009 submitted by candidate to municipality Gahraman Damir oghlu Verdiyev, appeal # 637 of January 08, 2009 submitted by candidate to municipality Farman Nurali oghlu Rahimov in Municipal Elections conducted on December 23, 2009

With regard to Municipal Elections conducted on 23 December 2009, candidate to municipality membership Muslum Osman oghlu Mammadov and others on January 06, 2010, candidate to municipality membership Gahraman Damir oghlu Verdiyev on January 08, 2010, candidate to municipality membership Farman Nurali oghlu Rahimov on January 08, 2010 applied to Central Election Commission of the Republic of Azerbaijan with written appeal and informed on law violations committed in several election constituencies in election process and asked for taking relevant activities implied by law.

As the appeals correspond to the requirements of Articles 112 and 112-1 of Election Code of the Republic of Azerbaijan 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", members of the Expert Group, established within the Central Election Commission, investigated the appeals and made appropriate opinions which were considered at the session of the Central Election Commission.

The received appeals were considered and it was determined from the date of their submission that the complaints were provided by missing the deadline implied by election legislation and therefore the members of Expert Group came to the opinion on returning back the complaints.

Thus, pursuant to item 7.1 of the above-mentioned Instruction, after registering the complaint by election commissions and submitting to an expert for the consideration, this complaint shall be primarily considered by the expert. Then if the expert finds out that if the complaint has been entered by violating Election Code and the rules defined by this Instruction, he/she shall provide opinion on sending the complaint back to the person who had submitted it by informing the group on this.

Pursuant to Article 112.1 of Election Code of the Republic of Azerbaijan and item # 4.1.2 of 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", election subjects may complain of the actions (inactions) violating election rights of citizens within 3 days after the day of publication or receive of this decision, commitment of the action (inaction) or informing the interested person on this.

Therefore, as not any complaint on the asserted law violations was submitted in the manner and period defined by legislation, the appeals shall be sent back on determination without having been investigated.

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 1.1, 4.1.2 and 7.1 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", the Central Election Commission of the Republic of Azerbaijan **decides:**

1. As the deadline defined by legislation for submitting complaints has been missed, an appeal # 552 on January 06, 2010 submitted by candidate to municipality membership Muslum Osman oghlu Mammadov and others, appeal # 629 on January 08, 2010

submitted by candidate to municipality membership Gahraman Damir oghlu Verdiyev, appeal # 637 on January 08, 2010 submitted by candidate to municipality membership Farman Nurali oghlu Rahimov shall be sent back to the applicants.

2. The decision comes into force from the day of its publication.

Chairman	Mazahir Panahov
Secretary	Natiq Mammadov
Members	Fuad Javadov
	Ramiz Ibrahimov
	Valida Kazimova
	Qabil Orujov
	Tofiq Qasanov
	Ilham Mammadov
	Nizami Nadirov
	Azer Tagiyev
	Tamam Jafarova
	Rovshan Ismayilov
	Almas Gahramanli
	Oktay Humbatli