

DECISION

of the Central Election Commission on consideration of an appeal # 273 of December 29, 2009 submitted by candidate to municipality membership Chingiz Mammadli oghlu Maharramov, appeal # 242 of December 29, 2009 submitted by citizen Samir Janali oghlu Aliyev, appeal # 272 of December 29, 2009 submitted by citizen Asgar Hojat oghlu Bashirov and others, appeal # 283 of December 29, 2009 submitted by candidate to municipality membership Asaf Mammadov, appeal # 285 of December 29, 2009 submitted by citizen Adalat Ismayil oghlu Amiraslanov and others, appeal # 286 of December 29, 2009 submitted by Safarali Sarkar oghlu Azizov, appeal # 288 of December 29, 2009 submitted by citizen Eldar Jabbar oghlu Musayev and others, appeal # 289 of December 29, 2009 submitted by citizen Azizagha Otarkhan oghlu Babayev and others, appeal # 291 of December 29, 2009 submitted by citizen Mehriban Teymur gizi Huseynli, appeal # 292 of December 29, 2009 submitted by candidate to municipality membership Seyidnur Aghayev, appeal # 293 of December 29, 2009 submitted by citizen Azad Fazil oghlu Nadirov and others, appeal # 294 of December 29, 2009 submitted by citizen Alikram Aliyev, appeal # 295 of December 29, 2009 submitted by citizen Nadir Musa oghlu Zeynalov and others, appeal # 296 of December 29, 2009 submitted by citizen Yusif Saleh oghlu Movsumov, appeal # 298 of December 29, 2009 submitted by citizen Ilgar Ali oghlu Sadigov, appeal # 299 of December 29, 2009 submitted by citizen Said Bahlul oghlu Aghayev and others, appeal # 302 of December 29, 2009 submitted by citizen Sveta Anvar gizi Jalalova, appeal # 303 of December 29, 2009 submitted by candidates to municipality membership Fikrat Cherkez oghlu Abbasov, Elburus Abdulkarim oghlu Allahverdiyev, Fakhraddin Kotul oghlu Zamanov, Asaf Hasangulu oghlu Murtuzayev and others, appeal # 304 of December 29, 2009 submitted by citizen Yaser Hamshari oghlu Aliyev and others, appeal # 305 of December 29, 2009 submitted by citizen Mirbulud Musa oghlu Abdullayev, appeal # 306 of December 30, 2009 submitted by citizen Samaddin Saddar oghlu Mirzayev in Municipal Elections conducted on December 23, 2009

With regard to Municipal Elections conducted on 23 December 2009, candidate to municipality membership Chingiz Mammadli oghlu Maharramov on December 29, 2009, citizen Samir Janali oghlu Aliyev on December 29, 2009, citizen Asgar Hojat oghlu Bashirov and others on December 29, 2009, candidate to municipality membership Asaf Mammadov on December 29, 2009, citizen Adalat Ismayil oghlu Amiraslanov and others on December 29, 2009, citizen Safarali Sarkar oghlu Azizov on December 29, 2009, citizen Eldar Jabbar oghlu Musayev and others on December 29, 2009, citizen Azizagha Otarkhan oghlu Babayev and others on December 29, 2009, citizen Mehriban Teymur gizi Huseynli on December 29, 2009, candidate to municipality membership Seyidnur Aghayev on December 29, 2009, citizen Azad Fazil oghlu Nadirov and others on December 29, 2009, citizen Alikram Aliyev on December 29, 2009, citizen Nadir Musa oghlu Zeynalov and others on December 29, 2009, citizen Yusif Saleh oghlu Movsumov on December 29, 2009, citizen Ilgar Ali oghlu Sadigov on December 29, 2009, citizen Said Bahlul oghlu Aghayev and others on December 29, 2009, citizen Sveta Anvar gizi Jalalova on December 29, 2009, candidates to municipality membership Fikrat Cherkez oghlu Abbasov, Elburus Abdulkarim oghlu Allahverdiyev, Fakhraddin Kotul oghlu Zamanov, Asaf Hasangulu oghlu Murtuzayev and others on December 29, 2009, citizen Yaser Hamshari oghlu Aliyev and others on December 29, 2009, citizen Mirbulud Musa oghlu Abdullayev on December 29, 2009, citizen Samaddin Saddar oghlu Mirzayev on December 30, 2009 applied to Central Election Commission of the Republic of Azerbaijan 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 # 273 of December 29, 2009 submitted by candidate to municipality membership Chingiz Mammadli oghlu Maharramov, appeal # 242 of December 29, 2009 submitted by citizen Samir Janali oghlu Aliyev, appeal # 272 of December 29, 2009 submitted by citizen Asgar Hojat oghlu Bashirov and others, appeal # 283 of December 29, 2009 submitted by candidate to municipality membership Asaf Mammadov, appeal # 285 of December 29, 2009 submitted by citizen Adalat Ismayil oghlu Amiraslanov and others, appeal # 286 of December 29, 2009 submitted by Safarali Sarkar oghlu Azizov, appeal # 288 of December 29, 2009 submitted by citizen Eldar Jabbar oghlu Musayev and others, appeal # 289 of December 29, 2009 submitted by citizen Azizagha Otarkhan oghlu Babayev and others, appeal # 291 of December 29, 2009 submitted by citizen Mehriban Teymur gizi Huseynli, appeal # 292 of December 29, 2009 submitted by candidate to municipality membership Seyidnur Aghayev, appeal # 293 of December 29, 2009 submitted by citizen Azad Fazil oghlu Nadirov and others, appeal # 294 of December 29, 2009 submitted by citizen Alikram Aliyev, appeal # 295 of December 29, 2009 submitted by citizen Nadir Musa oghlu Zeynalov and others, appeal # 296 of December 29, 2009 submitted by citizen Yusif Saleh oghlu Movsumov, appeal # 298 of December 29, 2009 submitted by citizen Ilgar Ali oghlu Sadigov, appeal # 299 of December 29, 2009 submitted

by citizen Said Bahlul oghlu Aghayev and others, appeal # 302 of December 29, 2009 submitted by citizen Sveta Anvar gizi Jalalova, appeal # 303 of December 29, 2009 submitted by candidates to municipality membership Fikrat Cherkez oghlu Abbasov, Elburus Abdulkarim oghlu Allahverdiyev, Fakhraddin Kotul oghlu Zamanov, Asaf Hasangulu oghlu Murtuzayev and others, appeal # 304 of December 29, 2009 submitted by citizen Yaser Hamshari oghlu Aliyev and others, appeal # 305 of December 29, 2009 submitted by citizen Mirbulud Musa oghlu Abdullayev, appeal # 306 of December 30, 2009 submitted by citizen Samaddin Saddar oghlu Mirzayev 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
	Oktay Humbatli