ON BEHALF OF THE REPUBLIC OF AZERBAIJAN

DECISION

##### OF THE CONSTITUTIONAL COURT

##### OF THE REPUBLIC OF AZERBAIJAN

*On Verification and Approval of the Results of New Elections to the Milli Majlis of the Republic of Azerbaijan held in Nasimi First Electoral District N26 on 21 February, 1999*

# 26 February, 1999 Baku city

The Constitutional Court of the Republic of Azerbaijan composed of Kh.Hajiyev (Chairman), Judges F.Babayev, B.Garibov (Reporter Judge), R.Gvaladze, S.Salmanova, A.Sultanov, E. Mamedov;

joined in the proceedings by the Court Clerk, V. Zeynalov;

J. Veliyev, Chairman of the Central Election Commission (CEC) of the Republic of Azerbaijan; I.Abbasov, secretary of the CEC, who received the document certifying that Z. Sardarov was elected as a deputy;

in accordance with Articles 86 and 130.5 of the Constitution of the Republic of Azerbaijan, on the basis of CEC’s decision N 106/404 of February 24, 1999 concerning determination of results on new elections to Milli Majlis of the Republic of Azerbaijan held at Nasimi N26 single-mandate first electoral district on 21 February, 1999, has examined via procedure of a special constitutional proceeding the constitutional case on verification and approval of the results of repeated elections.

Having heard the report of Judge B. Garibov, statement of the legal representative of the subject interested in special constitutional proceedings, I. Abbasov, the Constitutional Court of the Republic of Azerbaijan

**DETERMINED AS FOLLOWS:**

According to Articles 74 and 80 of the Law of the Republic of Azerbaijan “On the Elections to Milli Majlis” the new elections at Nasimi N26 single-mandate first electoral district were held on 21 February 1999.

In connection with elections the protocol of 21 February 1999 of the district election commission on results of elections to Milli Majlis of the Republic of Azerbaijan held at Nasimi N26 first single-mandate electoral district, personal form of the candidate to deputy – Sardarov Zakir Hasan oglu, the protocol N4 of 21 January 1999 of the district election commission on registration of candidates to deputy to Milli Majlis of the Republic of Azerbaijan by Nasimi N26 first single-mandate electoral district, resolutions N 104/397 of 28 January 1999 of CEC on determination of the register of persons nominated for repeated elections to deputy to Milli Majlis of the Republic of Azerbaijan by Nasimi N26 first single-mandate electoral district, and N 106/404 of 24 February 1999 on determination of results of repeated elections to deputy to Milli Majlis of the Republic of Azerbaijan by Nasimi N26 first single-mandate electoral district were presented to the Constitutional Court of the Republic of Azerbaijan. It is visible from the documents that only 31.494 voters or 66,01 % of 47.620 included to electoral roll took part in voting process at 39 electoral polling stations. 24.266 voters (77,5 %) voted in favour of Sardarov Zakir Hasan oglu as a candidate to deputy to Milli Majlis of the Republic of Azerbaijan. It corresponds to the requirements determined by Article 74 of the Law of the Republic of Azerbaijan “On the Elections to Milli Majlis”. From the documents presented to the Constitutional Court it is visible that provisions of Article 78 of the Law of the Republic of Azerbaijan “On the Elections to Milli Majlis” also were observed by CEC.

Being guided by Article 130.6 of the Constitution of the Republic of Azerbaijan, Articles 72.1, 75, 76, 78, 81, 83 and 85 of the Law of the Republic of Azerbaijan “On the Constitutional Court”, the Constitutional Court of the Republic of Azerbaijan

**DECIDED:**

1. To confirm completely the results of new elections to Milli Majlis of the Republic of Azerbaijan held at Nasimi N26 first electoral district on 21 February 1999.

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

3. The decision is subject to publication in the “Azerbaijan” newspaper and “Bulletin of the Constitutional Court of the Republic of Azerbaijan”.

4. The decision is final and cannot be cancelled, changed, or interpreted by any body or official.