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 Repeated Elections to the Milli Majlis*

*of the Republic of Azerbaijan held in Khatai Third Electoral District N11 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 T. Huseynov 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 decision N 106/403 of February 24, 1999 of CEC concerning determination of results on repeated elections to Milli Majlis of the Republic of Azerbaijan held at Khatai N11 single-mandate third 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

**DETERMINED AS FOLLOWS:**

According to Articles 74 and 81 of the Law of the Republic of Azerbaijan “On the Elections to Milli Majlis” the elections at Khatai N11 single-mandate third 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 in Khatai N11 third single-mandate electoral district, personal form of the candidate to deputy – Huseynov Tofig Hasan oglu, the protocol of 22 January 1999 of the district election commission on registration of candidates to deputy to Milli Majlis of the Republic of Azerbaijan by Khatai N11 third single-mandate electoral district, resolutions N 104/396 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 at Khatai N11 third single-mandate electoral district and N 106/403 of 24 February 1999 on determination of results of repeated elections to deputy to Milli Majlis of the Republic of Azerbaijan at Khatai N11 third single-mandate electoral district were presented to the Constitutional Court of the Republic of Azerbaijan. It is visible from the documents that only 29.695 voters or 61,8 % of 48.026 included to electoral roll took part in voting process at 44 electoral polling stations. 16.282 voters (55,6 %) voted in favour of Huseynov Tofig Hasan oglu as a candidate to deputy to Milli Majlis of the Republic of Azerbaijan. This corresponds to the requirements determined by Article 71 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 repeated elections to Milli Majlis of the Republic of Azerbaijan held in Khatai N11 third 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 “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.