**ON BEHALF OF THE REPUBLIC OF AZERBAIJAN**

**DECISION**

**OF THE CONSTITUTIONAL COURT**

**OF THE REPUBLIC OF AZERBAIJAN**

*On the Results of Repeated Elections of Deputies to the Milli Majlis of the Republic of Azerbaijan on Several Electoral Districts held on 7 January, 2001*

**22 January, 2001 Baku city**

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

joined in the proceedings by: the Court Clerk I. Ismayilov;

M. Panahov, Chairman of the Central Election Commission (CEC) of the Republic of Azerbaijan; S. Gasimova, Deputy Chairman of the CEC; I.Abbasov and G. Hasanguliyev, secretaries; V.Asadov, Y.Huseynov, E.Gurbanov, R.Maherramov, S.Mamedov, I.Nasirov, N. Pashayev, M. Salimzadeh and A. Tagiyev, members;

Experts: Kh.Hajiyeva and U.Hamidova, members of the State Committee of the Statistics of the Republic of Azerbaijan;

in accordance with Articles 86 and 130.5 of the Constitution of the Republic of Azerbaijan has examined via procedure of a special constitutional proceeding the materials, submitted by the CEC of the Republic of Azerbaijan on the results of the repeated elections of Deputies to Milli Majlis of the Republic of Azerbaijan in 11 electoral districts, held on 7 January, 2001.

Having heard the report of Judge F.Babayev, Chairman of the CEC M.Panahov, reference of the expert Kh.Hajiyeva, the Constitutional Court of the Republic of Azerbaijan

**DETERMINED AS FOLLOWS:**

According to Article 84.2 of the Constitution of the Republic of Azerbaijan, on 5 November, 2000 the elections to Milli Majlis of the Republic of Azerbaijan were held.

According to Decrees of the CEC of the Republic of Azerbaijan of 6 November, 2000 N 42/172, 8 November, 2000 N 43/172, 9 November, 2000 N 44/173, and 13 November, 2000 N46/175, the results of the elections in Khatai 2 N10, Sumgayit 1 N38, Akhsu-Kurdamir N 1 and Imishli N 68 electoral districts were recognized as void.

By the decision of the Constitutional Court of the Republic of Azerbaijan of 22 November, 2000 the results of the elections to Milli Majlis of the Republic of Azerbaijan held on 5 November, 2000 in Yasamal 2 N7, Khatai 1 N9, Khatai 2 N10, Sumgayit 1 N38, Akhsu-Kurdamir N51, Astara N53, Barda N56, Gusari N65, Imishli N68, Hajigabul-Salyan N94, Shamkir urban N99 electoral districts were not confirmed.

According to Article 76 of the Law of the Republic of Azerbaijan “On Elections to Milli Majlis of the Republic of Azerbaijan” and the Decree of the President of the Republic of Azerbaijan of 25 November, 2000 “On the Appointment of the Repeated Elections to Milli Majlis of the Republic of Azerbaijan in Some of the Electoral Districts” on 7 January, 2001 the elections in Yasamal 2 N7, Khatai 1 N9, Khatai 2 N10, Sumgayit 1 N38, Akhsu-Kurdamir N51, Astara N53, Barda N56, Gusari N65, Imishli N68, Hajigabul-Salyan N94, Shamkir urban N99 electoral districts were repeatedly held.

According to Article 86 of the Constitution of the Republic of Azerbaijan and Article 75.2 of the Law “On Elections to Milli Majlis of the Republic of Azerbaijan”, on 17 January 2001, with a view of the verification and confirmation of the results of repeated elections to Milli Majlis, the CEC submitted to the Constitutional Court of the Republic of Azerbaijan the protocols N1 of eleven district election commissions with the relevant documents enclosed.

The letter of the Court of Appeal of Azerbaijan of 22 January 2001, N-5d-o5/2001 on examination of submitted petitions and complaints regarding the results of repeated elections, the letter of the Ministry of Justice of 19 January 2001, N -92-1/4 on the results of examination of cases on complaints regarding the results of repeated elections by district (city) courts are enclosed to the constitutional case.

According to Article 86 of the Constitution of the Republic of Azerbaijan, the accuracy of results of elections shall be verified and confirmed by the Constitutional Court of the Republic of Azerbaijan as specified by legislation. According to Article 75 of the Law of the Republic of Azerbaijan “On Elections to Milli Majlis”, the Constitutional Court engaging the relevant specialists, shall examine the conformity of the submitted by the CEC protocols N 1 of single-mandate electoral districts (according to the present Law with documents enclosed) to the mentioned Law.

From the documents presented to the Constitutional Court it is visible that on 7 January, 2001, the elections to Milli Majlis were held in 11 electoral districts, the elections were recognized as taken place and on each of them the candidates for the deputies were defined.

In connection with the examination of the results of the elections, the Constitutional Court submitted to the Ministry of Justice and the Court of Appeal of the Republic of Azerbaijan the request to present the information on the results of examination of complaints in connection with the repeated elections.

From the letter of the Ministry of Justice of the Republic of Azerbaijan of 19 January, 2001, N1/4-119 it follows that the only one complaint was examined on the results of the repeated elections to Milli Majlis in district (city) courts of the Republic. The complaint was regarding the decision of Hatai district electoral commission N9 and was submitted to Hatai district court of Baku. The complaint was set aside by the Court’s decision of 17 January 2001.

From the letter of the Court of Appeal of the Republic of Azerbaijan of 22 January 2001, N 5d-05/2001 it is visible that the complaints of Mr. T. Aliev and I. Ismayilov regarding the results of the repeated elections in Khatai 2 N10 and Hajigabul-Salyan N94 electoral districts were examined by the same Court. On 19 and 21 January the complaints were set aside.

Examination of the documents, enclosed to the case and experts references showed that the protocols N1 in the repeated elections to Milli Majlis of the Republic of Azerbaijan in Yasamal 2 district N7, Khatai 1 N9, Khatai 2 N10, Sumgayit 1 N38, Ahsu-Kurdamir N51, Astara N53, Barda N56, Gusar N65, Imishli N68, Hajigabul-Salyan N94, Shamkir urban N99 electoral districts conform to the Law of the Republic of Azerbaijan “On Elections to Milli Majlis of the Republic of Azerbaijan”.

In connection with the above stated and being guided by Articles 86 and 130.5 of the Constitution of the Republic of Azerbaijan, Articles 72, 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 the results of the repeated elections of deputies to Milli Majlis of the Republic of Azerbaijan held on 7 January, 2001, prescribed by the relevant district election commissions in the following electoral districts:

1. Yasamal 2 district N7
2. Khatai 1 N9
3. Khatai 2 N10
4. Sumgayit 1 N38
5. Ahsu-Kurdamir N51
6. Astara N53
7. Barda N56
8. Gusar N65
9. Imishli N68
10. Hajigabul-Salyan N94
11. Shamkir urban N99

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.