ON BEHALF OF THE Republic OF Azerbaijan

DECISION

##### OF THE CONSTITUTIONAL COURT

##### OF THE REPUBLIC OF AZERBAIJAN

### *On Results of Additional Elections to the Milli Majlis*

### *of the Republic of Azerbaijan held in Tovuz Single Mandate*

### *Electoral District N 87*

#### 4 December, 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;

the legal representatives of the subjects interested in special constitutional proceedings: M.Panahov, Chairman of the Central Election Commission (CEC); S.Gasimova, Deputy Chairman of the CEC; G.Gasanguliyev, G.Orujev, Secretaries of the CEC; V.Asadov, T.Hasanov, Y.Huseynov, R.Ibrahimov, V.Kazimov, E.Gurbanov, I.Mamedov, A.Minbashi, H.Pashayev, M.Salimzadeh, and A.Tagiyev, Members of the CEC; H.Hu­sey­nov and U.Gamidov, Experts of the State Statistic Committee;

in accordance with Articles 86 and 130.4 of the Constitution of the Republic of Azerbaijan has examined in open judicial session via procedure of the special constitutional proceedings the case on verification and confirmation of the results of the additional elections to the Milli Majlis of the Republic of Azerbaijan held on 16 November 2001 in Tovuz single mandate electoral district N 87.

Having heard and discussed report of Judge F.Babayev, statement of the legal representative of the subject interested in special constitutional proceedings, M. Panahov, Chairman of the CEC and taken into account the information notes of H. Huseynov and U.Gamidov, Experts of the State Statistic Committee, the Constitutional Court of Republic of Azerbaijan

**DETERMINED AS FOLLOWS:**

On 16 November 2001 the additional elections to the Milli Majlis of the Republic of Azerbaijan were held in the single mandate electoral district N 87 of Tovuz town.

Protocol N 1 of 27 November 2001 with the relevant materials on the results of voting in Tovuz single mandate electoral district N 87 concerning the additional elections was submitted to the Constitutional Court of Republic of Azerbaijan.

Based on Article 75 of the Law of the Republic of Azerbaijan “On Elections to the Milli Majlis” the Constitutional Court of the Republic of Azerbaijan drew the relevant experts in order to verify the conformity of Protocol 1 and the relevant materials on elections held in single mandate electoral district N 87 of Tovuz town with the legislation.

It follows from the submitted documents that the additional elections to the Milli Majlis were held in single mandate electoral district N 87 of Tovuz town on 16 November 2001 and the elected candidate for the deputy was determined.

From the additionally presented decision of the Central Election Commission of 26 November 2001 it also follows that on the basis of complaints received from the electoral district N 87, particularly regarding 7 of 34 polling stations, the Central Election Commission examined the complaints and the results of voting in these polling stations were annulled and the held voting was declared null and void.

However, this has not affected the overall results of the elections. In connection with verification and confirmation of the additional elections held in the single mandate electoral district N 87 of Tovuz town, the Constitutional Court of the Republic of Azerbaijan forwarded an inquiry to the Ministry of Justice of the Republic of Azerbaijan and the Court of Appeal of the Republic of Azerbaijan to get an exact information as to presence of any complaints and the results of their examination.

It follows from the letter of 30 November 2001 of the Court of Appeal of the Republic of Azerbaijan that no complaints were lodged regarding the additional elections held in single mandate electoral district N 87 of Tovuz town.

It also follows from the submitted documents and information notes of the experts that the decision of the Central Election Commission as well as the Protocol N 1 concerning the additional elections to the Milli Majlis held in the single mandate electoral district N 87 of Tovuz town corresponds to the Law of the Republic of Azerbaijan “On Elections to the Milli Majlis”.

On the basis of the above stated and being guided by Articles 130.4, 72, 75, 76, 78, 81, 83 and 85 of the Law of the Republic of Azerbaijan “On Constitutional Court”, the Constitutional Court of Republic of Azerbaijan

**DECIDED:**

1. To confirm the results of additional elections to the Milli Majlis of the Republic of Azerbaijan held on 16 November 2001 in Tovuz single mandate electoral district N87.
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 Republic of Azerbaijan”.

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