**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 Agjebedi Single Mandate Electoral District N52 on 16 November, 2001*

**4 December, 2001 Baku city**

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

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 of the Republic of Azerbaijan (CEC); S.Gasimova, Deputy Chairman of the CEC; G.Huseynguliyev and G.Orujev, Secretaries of the CEC; F.Javadov, E.Aleskerov, V.Asadov, Y.Huseynov, E.Gurbanov, V. Mahmudov, R.Maherramov, I.Mamedov, S.Mamedov, I.Nasirov, N.Pashayev, M.Sa­lim­zadeh and A.Tagiyev, Members of CEC; H. Guseynova and U.Gamidova, Experts of the State Statistic Committee (SSC) 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 constitutional case on verification and confirmation of the results of the additional elections to Milli Majlis of the Republic of Azerbaijan held on 16 November 2001 in Agjebedi single mandate urban electoral district N52.

Having heard the report of Judge E. Mamedov, statement of M. Panahov, Chairman of the CEC of the Republic of Azerbaijan and taking into account reports of H. Guseynova and U. Gamidova, experts of the SSC of the Republic of Azerbaijan, the Constitutional Court of the Republic of Azerbaijan

**DETERMINED AS FOLLOWS:**

On 16 November 2001 the additional elections to Milli Majlis of the Republic of Azerbaijan were held in Agjebedi single mandate urban electoral district N52.

Protocol N 1 of 27 November 2001 with the relevant materials on the results of voting in Agjebedi single mandate urban electoral district N52 concerning the additional elections was submitted to the Constitutional Court of the Republic of Azerbaijan.

According to Article 86 of the Constitution of the Republic of Azerbaijan the correctness of the results of the elections shall be verified and confirmed by the Constitutional Court of the Republic of Azerbaijan.

According to Article 75 of the Law of the Republic of Azerbaijan “On the elections to 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 N52 of Agjebedi town to the legislation of the Republic of Azerbaijan.

It follows from the submitted documents that the additional elections to the Milli Majlis were held in mentioned electoral district, and the elected candidate for the deputies was determined.

In connection with examination of results of the elections the Constitutional Court of the Republic of Azerbaijan submitted an inquiry to the Ministry of Justice and Court of Appeal of the Republic of Azerbaijan to get exact information as to presence of any complaints and the results of their examination.

It follows from the letter N 02/I – 483 of December 3 2001 of the Ministry of Justice of the Republic of Azerbaijan that no complaints were lodged to Agjebedi district court regarding the additional elections to Milli Majlis.

From the letter of November 30, 2001 of the Court of Appeal it also follows that no complaints were submitted to the district court on results of additional elections to Milli Majlis.

Analysis of the case materials and references of experts shows that decision of the Central Election Commission as well as the Protocol N 1 concerning the additional elections to the Milli Majlis held in single mandate electoral district N52 of Agjebedi town conform to the Law of the Republic of Azerbaijan “On Elections to the Milli Majlis”.

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 the Republic of Azerbaijan

**DECIDED:**

1. To confirm the results of additional elections to Milli Majlis of the Republic of Azerbaijan held on 16 November 2001 in Agjebedi single mandate electoral district N52.

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

3. The decision is subject to publication in the “Azerbaijan” newspaper.

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