ON BEHALF OF THE REPUBLIC OF AZERBAIJAN

DECISION

##### OF THE CONSTITUTIONAL COURT

##### OF THE REPUBLIC OF AZERBAIJAN

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

# *of the Republic of Azerbaijan held on 12 April, 2002 in Narimanov First N24,*

# *Ali-Bayramli-Salyan N29 and Kapaz N31 Electoral Districts*

## 7 May, 2002 Baku city

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

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

M. Panahov, Chairman of the Central Election Commission (CEC); S. Gasimova, Deputy Chairman of the CEC; G.Gasanguliyev, G.Orujev, Secretaries; V.Asadov, T.Ha­sanov, Y.Huseynov, R. Ibrahimov, V.Kazimov, E.Gurbanov, I.Mamedov, A.Minbashi, H.Pa­­shayev, M.Salimzadeh, F.Javadov, E.Aleskerov, V.Mahmudov and A.Tagiyev, mem­bers; H.Huseynov and U.Gamidov, experts of the State Statistic Committee of the Republic of Azerbaijan;

in accordance with articles 86 and 130.4 of the Constitution of the Republic of Azerbaijan has examined in open judicial session via special constitutional proceedings the petition concerning verification and confirmation of the results of additional elections to the Milli Majlis of the Republic of Azerbaijan held on 12 April 2002 in Narimanov first N24, Ali-Bayramli-Salyan N29 and Kapaz N31 electoral districts.

Having heard and discussed the reports of Judges, B.Garibov and R.Gvaladze, statement of 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 the Republic of Azerbaijan

**DETERMINED AS FOLLOWS:**

On 12 April 2002 the additional elections to the Milli Majlis of the Republic of Azerbaijan were held in Narimanov first N24, Ali-Bayramli-Salyan N29 and Kapaz N31 electoral districts.

Protocol N 1 of 18 April 2002 with the relevant materials on the results of voting in Narimanov first N24, Ali-Bayramli-Salyan N29, Kapaz N31 electoral districts 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 accuracy of the results of the elections shall be verified and confirmed by the Constitutional Court of the 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 N 1 and the relevant materials on elections held in Narimanov first N24, Ali-Bayramli-Salyan N29, Kapaz N31 electoral districts with the legislation.

It follows from the submitted documents that the additional elections to the Milli Majlis were held in Narimanov first N24, Ali-Bayramli-Salyan N29, Kapaz N31 electoral districts on 12 April 2002 and the elected candidates for the deputies were determined.

In connection with verification and confirmation of the additional elections held in Narimanov first N24, Ali-Bayramli-Salyan N29, Kapaz N31 electoral districts the Constitutional Court of the Republic of Azerbaijan forwarded and inquiry to the Ministry of Justice of the Republic of Azerbaijan, the Prosecution Office of the Republic of Azerbaijan, the Supreme Court of the Republic of Azerbaijan and the 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 5d-82/2002 of 26 April 2002 of the Court of Appeal of the Republic of Azerbaijan that two complaints were lodged regarding the cancellation of the results of additional elections held in Narimanov first N24 and Ali-Bayramli-Salyan N29 electoral districts on April 12 2002. During the court hearings no any of these complaints were examined. As to Kapaz N31 single mandate electoral district there no complaints were lodged regarding the cancellation of the results of elections.

It follows from the letter of 3 May 2002 of the Supreme Court of the Republic of Azerbaijan that no complaints were lodged regarding the additional elections to Milli Majlis of the Republic of Azerbaijan held on 12 April 2002.

It is noted in the letter N 02/1-243 of 3 May 2002 of the Ministry of Justice that no complaints were lodged on the base of courts information regarding the violation of the electoral rights of citizens during additional elections to the Milli Majlis held in Narimanov first N24, Ali-Bayramli-Salyan N29, Kapaz N31 electoral districts on 12 April 2002.

It follows from the letters N 01/1983 of 25 April 2002 and N 01/1925 of 4 May 2002 of the Prosecution Office of the Republic of Azerbaijan that the Central Election Commission has sent the materials on the violation of electoral rights of citizens on results of additional elections held in Narimanov first N24, Ali-Bayramli-Salyan N29, Kapaz N31 electoral districts, in accordance with determined order these materials were examined and in connection with absence of the criminal violations commencement of the criminal case was rejected. No complaints were lodged to the Prosecution Office of the Republic of Azerbaijan regarding the additional elections to Milli Majlis of the Republic of Azerbaijan held in Kapaz N31 electoral district.

Analysis of the documents enclosed to the case and opinion of the experts notes that the Protocol N 1 concerning the results of additional elections held in Narimanov first N24, Ali-Bayramli-Salyan N29, Kapaz N31 electoral districts with extra added documents corresponds to the Law of the Republic of Azerbaijan “On Elections to the Milli Majlis of the Republic of Azerbaijan”.

Being guided by Articles 86 and 130.5 of the Constitution of the Republic of Azerbaijan and being guided by Articles 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 the Milli Majlis of the Republic of Azerbaijan held on 12 April 2002 in Narimanov first N24, Ali-Bayramli-Salyan N29, Kapaz N31 electoral districts.
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”.

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