**ON BEHALF OF THE REPUBLIC OF AZERBAIJAN**

**DECISION**

**OF THE CONSTITUTIONAL COURT**

**OF THE REPUBLIC OF AZERBAIJAN**

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

*of the Republic of Azerbaijan held on 5 March, 2003 in Garadag Electoral*

*District N14, Ismayilli Electoral District N69 and Khanlar-Dashkesan*

*Electoral District N91*

**27 March, 2003 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, I.Najafov , A.Sultanov, E.Mamedov,

joined in the proceedings by: the Court Clerk V.Zeynalov;

M. Panahov, Chairman of the Central Election Commission (CEC) of the Republic of Azerbaijan; S.Gasimova, Deputy Chairman of the CEC; G.Orujev, secretary; V.Asadov, T.Hasanov, R.Ibragimov, V.Kazimova, I.Mamedov, A.Minbashi, H.Pashayev, M.Salim­zadeh, A.Tagiyev, F.Djavadov, A.Aliyev and X.Ahmedov, members;

Experts: H.Huseynov and U.Gamidov, 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 on Garadag N14, Ismayilli N69 and Khanlar-Dashkesan N91 single mandate electoral districts held on 5 March, 2003.

Having heard the report of Judge B.Garibov, the statements of Chairman of the CEC M. Panahov, Deputy Chairman S.Gasimova, secretary G.Orujev, members T. Hasanov, I.Mamedov, A.Minbashi, A.Tagiyev, F.Javadov and X.Ahmedov; taking into consideration the opinion of the experts H.Huseynov and U.Hamidov and members of the State Committee of the Statistics of the Republic of Azerbaijan the Constitutional Court of the Republic of Azerbaijan

**DETERMINED AS FOLLOWS:**

On 5 March 2003 the additional elections to the Milli Majlis of the Republic of Azerbaijan were held in the Garadag N14, Ismayilli N69 and Khanlar-Dashkesan N91 single mandate electoral districts.

 Protocol N 1 of 17 March 2003 with the relevant materials on the results of voting in the Garadag N14, Ismayilli N69 and Khanlar-Dashkesan N91 single mandate electoral districts concerning the additional elections was submitted by the Central Election Commission to the Constitutional Court of the Republic of Azerbaijan.

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.

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 invited the relevant experts in order to verify the conformity of Protocol 1 and the relevant materials on elections held in the Garadag N14, Ismayilli N69 and Khanlar-Dashkesan N91 single mandate electoral districts with the legislation.

It follows from the submitted documents that on 5 March 2003 there were held additional elections to the Milli Majlis in the Garadag N14, Ismayilli N69 and Khanlar-Dashkesan N91 single mandate electoral districts, that those elections have taken place and the elected candidates for the deputy were determined.

In connection with verification and confirmation of the additional elections held in the Garadag N14, Ismayilli N69 and Khanlar-Dashkesan N91 single mandate electoral districts, the Constitutional Court of the Republic of Azerbaijan forwarded an inquiry to the Ministry of Justice, Prosecution Office, Supreme Court and Court of Appeal of the Republic of Azerbaijan to get an exact information as to availability of any complaints and the results of their examination.

It follows from the letter of 19 March 2003 of the Court of Appeal of the Republic of Azerbaijan that only one complaint was lodged in the single mandate electoral district N14 of Garadag regarding the additional elections held in the Garadag N14, Ismayilli N69 and Khanlar-Dashkesan N91 single mandate electoral districts on 5 March 2003.

By the ruling of the Chamber on Civil Cases of the Court of Appeal of the Republic of Azerbaijan on 27 February 2003 this complaint was sent to the place of location of single electoral district N 14 that is the Garadag District Court of the Baku city.

It follows from the reference N21 of 19 March 2003 of the Garadag District Court of Baku city that based on its ruling of 11 March 2003 taking into account the complainant’s application the complaint and all attached documents ware returned.

It follows from the letter N3M-585/03 of 25 March 2003 of the Supreme Court of the Republic of Azerbaijan that no complaints were lodged regarding the results additional elections to the Milli Majlis held on 5 March 2003.

It follows from the letter N02/1-165 of 24 March 2003 of the Ministry of Justice of the Republic of Azerbaijan that no complaints were lodged regarding the violation of electoral rights of citizens during additional elections to the Milli Majlis held in the Garadag N14, Ismayilli N69 and Khanlar-Dashkesan N91 single mandate electoral districts on 5 March 2003.

 It follows from the letter N07/137-1066 of 24 March 2003 of the Prosecution Office of the Republic of Azerbaijan that no complaints were lodged regarding the violation of electoral rights of citizens during additional elections to the Milli Majlis held in the Garadag N14, Ismayilli N69 and Khanlar-Dashkesan N91 single mandate electoral districts on 5 March 2003.

It also follows from the submitted documents and information notes of the experts that the decision of the District Election Commission as well as the Protocol N 1 concerning the additional elections to the Milli Majlis held in the Garadag N14, Ismayilli N69 and Khanlar-Dashkesan N91 single mandate electoral districts on 5 March 2003 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 Article 86 of the Constitution and 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 in the Garadag N14, Ismayilli N69 and Khanlar-Dashkesan N91 single mandate electoral districts on 5 March 2003.
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.