

ESI newsletter 2/2017
27 January 2017

Three days that shook Strasbourg – human rights and corruption



Rai 3 investigation – Caviar Diplomacy

Dear friends,

A political earthquake took place in Strasbourg this week. What happens next will determine the future of Europe's leading human rights body.

A gathering storm

The first session of the Parliamentary Assembly of the Council of Europe (PACE) this year, which started on Monday 23 January, took place against a background of calls to investigate serious allegations of corruption influencing votes on human rights issues.

On 21 November 2016, the leading investigative format on Italian public television RAI 3, *Report*, introduced a **documentary on corruption in the Council of Europe**. It focused on the former leader of the EPP in PACE, Italian Luca Volonte, and stated:

"What is the Council of Europe? It is an international organisation that was established in 1949, in order to protect and defend the pillars of democracy: freedom of expression, human rights, and the succession of democratically-elected governments ... Strasbourg is the city at the heart of our story, where the Council of Europe has its headquarters. Here, a certain type of diplomacy with a very curious name is in operation: "Caviar diplomacy", that's what they call it."

On 17 December 2016, ESI published its second report on Caviar Diplomacy - **The European Swamp (Caviar Diplomacy Part 2) – Prosecutors, corruption and the Council of Europe**. The report noted:

"Luca Volonte has publicly admitted that he accepted € 2.3 million from Suleymanov, another PACE member from Azerbaijan. These transfers started on the eve of an

important vote on human rights in Azerbaijan. If this is not contrary to the Code of Conduct for PACE members, then the Code is clearly worthless."

ESI warned that "any serious reforms in PACE are certain to meet with stiff resistance from those who benefit from the status quo." On 18 January 2017 ESI published another newsletter – **The FIFA of human rights – beyond lip-service on anti-corruption**. It contained another warning:

"Today PACE has a worse anti-corruption system than FIFA. PACE also looks bad compared to most other national parliaments ... The Council of Europe must not remain the FIFA of human rights."



Cobus de Swardt, director TI – John Dalhuisen, Europe director AI

This was followed, on 20 January, by an **appeal** by Transparency International (TI), the leading global anti-corruption NGO:

"Transparency International and six of its European chapters today called on the three top officials of the Council of Europe to investigate serious allegations of corruption in that organisation, and expressed dismay at the apparent lack of effective internal anti-corruption mechanisms at Europe's most important human rights institution."

TI urged the Council of Europe to establish "a special integrity framework in line with best international standards" and to:

"organise an independent investigation, led by an expert in such matters, into the circumstances surrounding the PACE vote on political prisoners in January 2013, and into the behaviour of members of the Azerbaijani delegation."

Amnesty International sent a **letter** to leading officials in Strasbourg the same day (and made it public on 24 January):

"The allegations regarding improper conduct of members of the Parliamentary Assembly of the Council of Europe with a view to influencing the content of and voting on the Assembly's resolutions are serious, credible and risk gravely undermining the integrity and credibility of the Assembly as an institution tasked with upholding and promoting human rights."

Winter session – denouncing corruption in PACE



Mogens Jensen (leader of Danish delegation) – Anne Brasseur (former PACE president)

When the **winter session opened on Monday, 23 January**, the first speaker, French Socialist Josette Durrieu, the doyenne of PACE set the tone:

"Let us also denounce all forms of corruption: the deep-seated evil that undermines States, institutions and individuals. More than elsewhere, it is in the Council of Europe that we should be vigilant."

"Some parliamentarians who are members of our Assembly seem to have been implicated in matters relating to their mission and function. They seem to be implicated in matters that are being dealt with by the courts and which would have involved other parliamentarians, so the circle has expanded. The centre of this vicious circle means that the Council of Europe needs to grapple with the problem. These doubts and suspicions are unbearable for the image of the Council of Europe. Our strength is not financial; our strength is not military. We have no army; we have no great wealth. The strength of the Council of Europe is moral. We are the vehicles and the guarantors of universal values."

Durrieu turned to the president of PACE, Pedro Agramunt from Spain:

"An independent outside investigation must be launched, and swiftly. I am speaking directly to the President of the Assembly, who is to be designated shortly."

This was followed by Mogens Jensen, a former minister from Denmark and head of the Danish delegation:

"It is very important that our Assembly and the President respond strongly to such allegations and make two things very clear: first, that the Assembly does not in any way accept or tolerate corruption and will fight it in all forms everywhere; and, secondly, that allegations directed against members of this Assembly will be investigated. That is a very important signal to send to our people, who rely on this Assembly."

The leader of the United European Left group, Dutch MP Tiny Kox, underlined that corruption "is a horrible threat to all of us here. We have to be aware that any allegations of corruption are allegations against all of us ... If we do not behave, we will not be in a position to order others to behave." British Tory Ian Liddell-Grainger, leader of the group of European Conservatives and a descendant of Queen Victoria, noted that "this organisation

was set up by many people, including Sir Winston Churchill, to be the beacon of democracy in a war-torn series of nations ... but corruption seeps into every part of life. Every single one of us has some way of tackling that in their parliament, and we have got to do the same here. Enough: no more weasely words and no more, "Oh well, we've got to look at it." Liberal Anne Brasseur, a former president of PACE, told the assembly:

"Our credibility is at stake, but human rights in the 47 member countries are also on the line. We simply cannot sweep things under the carpet and turn a blind eye ... It should come as no surprise to us when people say that the Council of Europe is a waste of time and that it is useless. I still believe in this organisation. We must make sure that we do what we can to defend our values, the rule of law and human rights across all our member States."

Swiss, Nordics, Baltics, Benelux

Already on 19 January, the Swiss delegation sent a strong letter to Pedro Agramunt:

"La délégation suisse auprès de l'APCE est profondément préoccupée par les accusations propagées dans ces reportages et par certaines rumeurs, qui mettent à mal les principaux atouts de notre assemblée, à savoir son intégrité et sa crédibilité. Face à ces rumeurs et aux débats qu'elles ont soulevés, nous sommes convaincus que l'APCE ne peut plus se permettre d'attendre de voir si les poursuites judiciaires à Milan donneront lieu à une condamnation, d'autant que le cas concerné n'est pas le seul qui éveille les soupçons. La délégation suisse considère donc qu'il est indispensable que l'APCE prenne les choses en main et fasse la lumière sur cette affaire."

Soon a second letter by eight Nordic and Baltic delegations followed:

"The recent allegations towards the Parliamentary Assembly of the Council of Europe and its members, on corruption and conflict of interests, are damaging the integrity and credibility of the Assembly. The allegations go beyond only one case. It is therefore of utmost importance that PACE initiates concrete actions for thorough, transparent and independent investigations ... For these reasons, the Nordic and Baltic delegations call on the Bureau to immediately launch an independent and external investigation of the allegations."

Soon more national delegations (Belgium, Netherlands and others) followed.

The Omtzigt – Schwabe initiative for integrity



Pieter Omtzigt (from the Netherlands) – Frank Schwabe (from Germany)

On Wednesday 25 January, a group of MPs led by Dutch MP Pieter Omtzigt (EPP) and German MP Frank Schwabe (SPD) submitted a **strong declaration as a game changer**. On the one hand, they called on PACE to do two concrete things; on the other hand, they called on *all* members from across political party groups to support this call:

"We, the undersigned members of the Parliamentary Assembly believe that the Assembly must:

1. establish, without delay, an external, fully independent and impartial inquiry into all allegations of improper conduct or corruption that may have sought to influence the work of the Assembly in recent years, focusing in particular on allegations surrounding the vote on political prisoners in Azerbaijan in January 2013; the conclusions of the inquiry and its recommendations should be made public directly to the Assembly and the public at large;

2. ensure that the Assembly's Code of Conduct is strengthened in accordance with international best practice and recommendations requested from GRECO; and that the strict observance of these standards is monitored and enforced by a permanent independent mechanism attached to the Assembly."

Within a few hours this declaration had gathered 64 signatures, representing 25 countries, including another former president of PACE, Jean Claude Mignon (EPP from France), and the leaders of the Conservative, Socialist and Left groups: 7 MPs from the UK, 5 from Luxembourg, Sweden, the Netherlands, 4 from Switzerland, France, Germany, 3 from Finland, Greece, Norway. There is also broad support across political groups: 29 Socialists (and Greens), 15 EPP, 10 United European Left, 9 Alde (Liberals) and 1 European Conservatives. Strikingly, however, not one Spanish MP, no Pole, no Turk and only one Italian signed it so far.

How many signatures will this declaration get until April? And who will remain opposed to these recommendations?

PACE, **Written declaration No. 624 | Doc. 14256, Parliamentary Assembly integrity**, 25 January 2017

Agramunt's response: blame NGOs



Pedro Agramunt and Jordi Xucla: on PACE, corruption and honour

Faced with demands from all sides for a serious reaction the president of PACE, Pedro Agramunt, a leading apologist of the regime in Azerbaijan for more than a decade, decided to continue to do what he had done for years: to call on PACE to close ranks. He set the tone on the first day, defining the debate on corruption as a matter of "honour":

"As President of the Assembly, I cannot allow the honour of the Assembly or of any of its members to be defamed. I cannot allow this Assembly to be misused as a platform to fight battles against states that some perceive as rivals or enemies. I cannot allow campaigns of hatred, verbal aggression, blackmail or pressure, orchestrated by those who are not satisfied with the results of a vote ... It is important to understand that unlawful attacks on the honour and reputation of an individual may require defence through the courts."

Jordi Xucla, another long-time apologist for Azerbaijan from Spain, today leader of the Alde group, made the same point:

"We are politicians. We are not here simply to look at this matter from a legal angle; we need to talk about this organisation's reputation and image, so let us fight defamation."



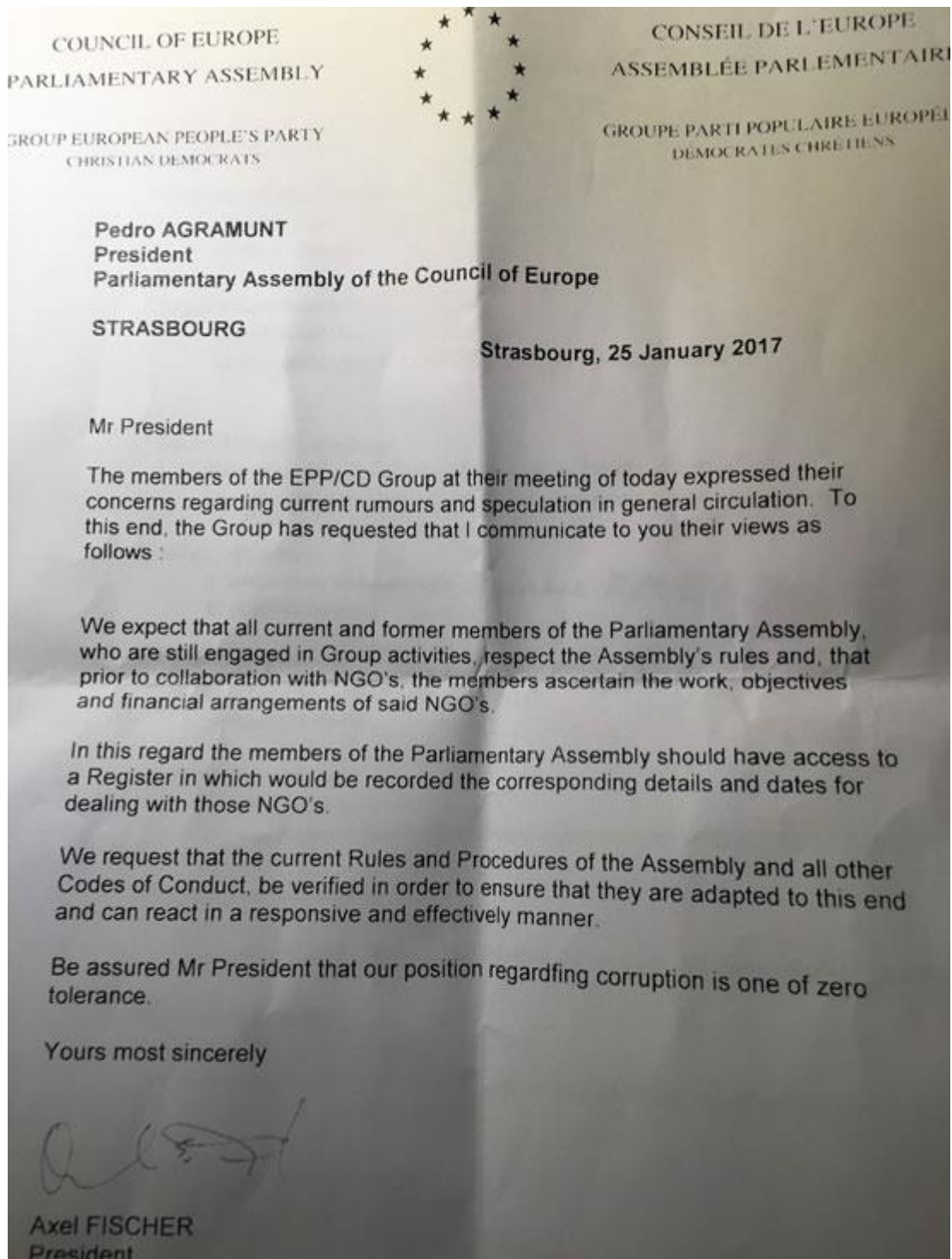
Axel Fischer, EPP leader in PACE

On 25 January, the two Spaniards were joined by Axel Fischer, the successor of Luca Volonte and Pedro Agramunt as leader of the EPP in PACE. An MP from the German CDU Fischer also wrote a letter to Agramunt, calling on him to investigate, not the behaviour of MPs, but the NGOs who had raised the issue:

"We expect that all current and former members of the Parliamentary Assembly... respect the Assembly's rules and, that prior to collaboration with NGOs, the members ascertain the work, objectives and financial arrangements of said NGOs ...

We request that the current Rules and Procedures of the Assembly and all other Codes of Conduct be verified in order to ensure that they are adapted to this end and can react in a responsive and effectively manner. Be assured Mr. President that our position regardfing [sic] corruption is one of zero tolerance."

It is a response worthy of Donald Trump: the problem for PACE is not the behaviour of Luca Volonte, who admitted taking money on television while a PACE member, nor the absence of a credible anti-corruption framework; it is the work of NGOs such as ESI, Amnesty International and Transparency International.



Axel Fischer (Germany) letter: who is to blame?

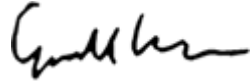
A choice for PACE – showdown in April?

In conclusion, following days of intense debates in the plenary and in the corridors in Strasbourg, PACE members now face a choice. One option is to **sign the declaration on integrity**: to back the demand for an external and serious investigation of serious allegations and to reform an embarrassingly weak Code of Conduct. This way lies the path to moral redemption and restored credibility for a vital institution.

The other option is to follow Agramunt; to allege without any evidence that those who point to the need to confront corruption "must be financed by Armenians"; and to ignore demands for a serious investigation.

What will the choice of the majority of PACE be? The weeks until the next session in April will tell.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Gerald Knaus', written in a cursive style.

Gerald Knaus



EPP members for integrity: former PACE president Claude Mignon (France) and Tobias Billström (Sweden)

Signatories of the **Declaration on Integrity so far:**

Mr Pieter OMTZIGT, Netherlands, EPP/CD;
 Mr Claude ADAM, Luxembourg, SOC;
 Lord Donald ANDERSON, United Kingdom, SOC;
 Ms Sirkka-Liisa ANTTILA, Finland, ALDE;
 Mr Volodymyr ARIEV, Ukraine, EPP/CD;
 Mr Tobias BILLSTRÖM, Sweden, EPP/CD;
 Ms Anne BRASSEUR, Luxembourg, ALDE;
 Mr Roland Rino BÜCHEL, Switzerland, ALDE;
 Ms Valentina BULIGA, Republic of Moldova, SOC;
 Ms Anastasia CHRISTODOULOPOULOU, Greece, UEL;
 Ms Lise CHRISTOFFERSEN, Norway, SOC;
 Mr Boriss CILEVIČS, Latvia, SOC;
 Mr Raphaël COMTE, Switzerland, ALDE;
 Mr Titus CORLĂȚEAN, Romania, SOC;
 Mr Yves CRUCHTEN, Luxembourg, SOC;
 Ms Josette DURRIEU, France, SOC;
 Lord George FOULKES, United Kingdom, SOC;
 Ms Annette GROTH, Germany, UEL;
 Mr Alfred HEER, Switzerland, ALDE;
 Ms Gabriela HEINRICH, Germany, SOC;
 Ms Françoise HETTO-GAASCH, Luxembourg, EPP/CD;
 Mr Andrej HUNKO, Germany, UEL;
 Ms Susanna HUOVINEN, Finland, SOC;
 Ms Eva-Lena JANSSON, Sweden, SOC;
 Mr Mogens JENSEN, Denmark, SOC;
 Ms Kristin Ørmen JOHNSEN, Norway, EPP/CD;
 Ms Lotta JOHNSSON FORNARVE, Sweden, UEL;
 Ms Anne KALMARI, Finland, ALDE;
 Mr Giorgi KANDELAKI, Georgia, EPP/CD;
 Mr Niklas KARLSSON, Sweden, SOC;
 Ms Ioanneta KAVVADIA, Greece, UEL;
 Ms Elvira KOVÁCS, Serbia, EPP/CD;
 Mr Tiny KOX, Netherlands, UEL;
 Mr Eerik-Niiles KROSS, Estonia, ALDE;
 Mr Georgios KYRITSIS, Greece, UEL;

Ms Yuliya L OVOCHKINA, Ukraine, SOC;
 Mr Pierre-Yves LE BORGNIER, France, SOC;
 Mr Ian LIDDELL-GRAINGER, United Kingdom, EC;
 Mr Filippo LOMBARDI, Switzerland, EPP/CD;
 Mr George LOUCAIDES, Cyprus, UEL;
 Ms Kerstin LUNDGREN, Sweden, ALDE;
 Mr Philippe MAHOUX, Belgium, SOC;
 Sir Alan MEALE, United Kingdom, SOC;
 Ms Martine MERGEN, Luxembourg, EPP/CD;
 Mr Jean-Claude MIGNON, France, EPP/CD;
 Ms Marianne MIKKO, Estonia, SOC;
 Mr Rónán MULLEN, Ireland, EPP/CD;
 Mr Zsolt NÉMETH, Hungary, EPP/CD;
 Mr Michele NICOLETTI, Italy, SOC;
 Ms Ria OOMEN-RUIJTEN, Netherlands, EPP/CD;
 Mr Henk OVERBEEK, Netherlands, UEL;
 Mr Martin POLIAČIK, Slovak Republic, ALDE;
 Mr John PRESCOTT, United Kingdom, SOC;
 Mr René ROUQUET, France, SOC;
 Mr Stefan SCHENNACH, Austria, SOC;
 Ms Ingjerd SCHOU, Norway, EPP/CD;
 Mr Nico SCHRIJVER, Netherlands, SOC;
 Mr Frank SCHWABE, Germany, SOC;
 Ms Petra De SUTTER, Belgium, SOC;
 Mr Imre VEJKEY, Hungary, EPP/CD;
 Mr Nikolaj VILLUMSEN, Denmark, UEL;
 Mr Phil WILSON, United Kingdom, SOC;
 Dame Rosie WINTERTON, United Kingdom, SOC;
 Ms Gisela WURM, Austria, SOC

Further reading on Caviar Diplomacy

Omtzigt-Schwabe declaration on Anti-Corruption in PACE (25 January 2017)

Amnesty International: Allegations of suspicious money transfers and other violations of the Parliamentary Assembly's code of conduct in connection with its work on Azerbaijan (24 January 2017)

Transparency International: Call on Council of Europe to investigate vote buying allegations (20 January 2017)

ESI newsletter: The FIFA of human rights – beyond lip-service on anti-corruption (18 January 2017)

ESI report: The European Swamp (Caviar Diplomacy Part 2) – Prosecutors, corruption and the Council of Europe (17 December 2016)

ESI report: Caviar Diplomacy – How Azerbaijan silenced the Council of Europe (24 May 2012)