



## EUROPEAN VALUES BOUGHT AND SOLD

**Azerbaijan's sophisticated system of buying western politicians and capturing intergovernmental organisations**

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**About the authors:** *Freedom Files Analytical Centre* is an NGO based in Moscow and Warsaw. It conducts research of human rights and democracy problems in authoritarian countries, develops policy recommendations for international action, and advocates with inter-governmental organisations and governments. The Centre's research looks, in particular, into the ways of functioning of autocracies using repression, corruption, and income from exports of natural resources, to control their societies, enrich the ruling groups, consolidate their rule, project their influence at the international level and protect them from criticism on human rights. The report was produced with support of members of the Working Group on reform of international organisations of the *Civic Solidarity Platform*, an 80-member NGO network for human rights advocacy in Europe and Eurasia. The Platform is exploring innovative ways for effective advocacy to promote and defend human rights. Individual member organisations of the Platform do not necessarily endorse in detail all of the observations, conclusions and recommendations contained in the report.

**About this document:** This document provides excerpts on Spain and the Council of Europe. The full report can be found at <http://www.civicsolidarity.org>. All views expressed are those of the authors.

### **SPAIN** (p. 45)

On the surface of it, Spain and Azerbaijan have quite limited economic relations, as shown in the official statistics. However, Azerbaijan receives full support from Spanish MPs in PACE where they are considered a key base for Azerbaijan lobbying as well as from MEPs from Spain and EU officials of Spanish origin.

We have been told by our sources that most of the relations between Spain and Azerbaijan are of unofficial nature. They claim that the Azerbaijani ruling family and its close circle of oligarchs are heavily investing in Spanish resorts and hotels, located in tourist-attractive areas. We do not have a documentary proof of that at the moment. However, the fact that EPP's **Pedro Agramunt** from Valencia and ALDE's **Jordi Xuclà** from Girona in Catalonia are united in PACE in their active support of Azerbaijan, makes one wonder whether there is a connection with Azerbaijan here through investment in tourism. Both regions gain a lot from tourism and are interested in development of tourist infrastructure. Recent interest of

trade representatives from Valencia in establishing business ties with Azerbaijan<sup>1</sup> as well as Valencia becoming in 2016 a part of the Silk Road project where Azerbaijan plays an important role<sup>2</sup> also serve as an evidence of deepening economic ties. Agramunt's strong connections with Valencian businesses for several decades<sup>3</sup> may come very handy.

The most notorious Spanish support group for Azerbaijan is based in PACE and led by **Pedro Agramunt**, an EPP member, former PACE rapporteur on Azerbaijan and PACE President since January 2016. While we will get back later to his actions in favour of Azerbaijan and his impressive career in PACE, it is worth noting that he is a senator from Spanish province of Valencia, the head of Valencia Trade Chamber, and well connected with Valencian businesses and banks. His own business is a rather small textile trading company, which, however, is not shown in his declaration. It is unclear whether he has sold it.<sup>4</sup>

**Jordi Xuclà** is a well-known apologist of the government of Azerbaijan in PACE and has systematically voted in support of Baku. He chairs the ALDE group in PACE since 2014 and was re-elected to this position in January 2016 for another two-year term.<sup>5</sup> Importantly, in 2011-2013 he chaired the PACE Subcommittee on the conflict in Nagorno Karabakh which existed from 2005 to 2013 when it was closed because of duplication of the OSCE Minsk Group activities.<sup>6</sup> When in its place a new Sub-Committee on Conflicts between the Council of Europe Member States was established in PACE in 2015<sup>7</sup>, it was again Xuclà who became its chair.<sup>8</sup> These important positions give Xuclà leverage.

At the peak of repression in Azerbaijan in autumn 2015, when OSCE ODIHR decided not to send an observation mission to monitor parliamentary elections in November because Baku required that ODIHR reduce its number of observers, which would have prevented ODIHR

<sup>1</sup> La Generalitat organiza una misión comercial a Turquía y Azerbaijan. Valencia News, 20 October 2014, <http://valencianews.es/economia/empresa/la-generalitat-organiza-una-mision-comercial-a-turquia-y-azerbaijan/>

<sup>2</sup> Las Fallas en Turquía y otras redes que tejerá Valencia como ciudad de la seda. Valencia Plaza, 19 December 2015, <http://valenciaplaza.com/las-fallas-en-estambul-y-otras-redes-que-tejera-valencia-como-ciudad-de-la-seda>

<sup>3</sup> Biography of Pedro Agramunt on the website of Nueva Economía Fórum, <http://www.nuevaeconomiaforum.org/ponentes/pedro-agramunt>, assessed on 15 February 2017.

<sup>4</sup> Relacionan a un senador del PP con los sobornos de Azerbaijan con caviar. El Plural.com. 26 May 2012. <http://www.elplural.com/2012/05/26/relacionan-a-un-senador-del-pp-con-los-sobornos-de-azerbaiyan-con-caviar> ; [http://www.senado.es/web/composicionorganizacion/senadores/composicionsenado/fichasenador/index.html?legis=10&i\\_d1=10558](http://www.senado.es/web/composicionorganizacion/senadores/composicionsenado/fichasenador/index.html?legis=10&i_d1=10558); Results of search for “textiles y confecciones Tycesa Agramunt” in the “Medium Companies of Europe 1993/94: Volume 1: Medium Companies of the Continental European Community”. Ed. R.M. Whiteside. 1993. <https://books.google.ru/books?id=fs33CAAQBAJ&lpg=PA682&ots=uupr0qsCte&dq=Textiles%20y%20confecciones%20Tycesa%20Agramunt&hl=ru&pg=PA682#v=onepage&q=Textiles%20y%20confecciones%20Tycesa%20Agramunt&f=false>

<sup>5</sup> Interview with Jordi Xuclà, ALDE-PACE President. Website of the Alliance of Liberals and Democrats, 04.05.2016, <https://www.aldeparty.eu/en/news/interview-jordi-xucla-alde-pace-president>

<sup>6</sup> The activity of the PACE Sub-Committee on Nagorno Karabakh not to be resumed. Public Radio of Armenia, 21.01.2013, <http://www.armradio.am/en/2013/01/21/the-activity-of-the-pace-sub-committee-on-nagorno-karabakh-not-to-be-resumed/>

<sup>7</sup> Nagorno-Karabakh conflict in focus of Council of Europe sub-committee. AzerNews, 21.04.2015, <http://www.azernews.az/nation/80771.html>

<sup>8</sup> Jordi Xuclà's webpage on the website of the Parliamentary Assembly of the Council of Europe, <http://assembly.coe.int/nw/xml/AssemblyList/MP-Details-EN.asp?MemberID=6362>. Accessed on 19.02.2017.

from conducting an UN-compliant election observation,<sup>9</sup> and the European Parliament also refrained from sending an official mission because of massive human rights violations, PACE made a highly disputed and controversial decision to send a short-term election observation mission.

This opened an opportunity for the Azerbaijani authorities to claim international endorsement of the country's electoral process. The PACE delegation was led by Jordi Xuclà and included Agustín Conde and 26 other members. It issued a highly positive statement on November 2, signed by 16 out of 28 delegation members, attesting that Azerbaijan's electoral process "...demonstrates another step forward taken by the Republic of Azerbaijan towards free, fair and democratic elections and that the results of this vote express the will of the Azerbaijani people."<sup>10</sup>

Three members of the PACE delegation signed a *votum separatum* which contested the official positive PACE assessment and pointed to the failing preconditions to hold democratic elections in Azerbaijan due to the ongoing abuse of human rights in the country. The European Platform for Democratic Elections (EPDE), the main European network of election-observing NGOs, strongly condemned the PACE mission and stated that it "delegitimised the institution of election observation", "violated the central requirements of the United Nations "Declaration of Principles for International Election Observation," and "whitewashed flawed parliamentary elections."<sup>11</sup>

Xuclà's response to the December 2016 report by the European Stability Initiative on Luca Volonte's alleged bribery and the appeals for investigation by the ESI, Amnesty International and Transparency International, was quite revealing: he called it "defamation". "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."<sup>12</sup>

A native of Catalonia, Xuclà took an Azerbaijani delegation to the neighbouring country of Andorra for establishing Azerbaijan-Andorra connections. Representatives of this small country regularly act in the interests of Azerbaijan in inter-governmental organisations, we have been told.<sup>13</sup>

**Agustín Conde** from EPP, another Spanish member of PACE, has been one of the most active Azerbaijani supporters and apologists in PACE. In April 2011 and again in October 2012, he led the efforts of a group of PACE members to change the PACE definition of political prisoners, first calling on PACE to set up "objective criteria" on how to identify "a genuine political prisoner" before any report on an individual country is prepared, and later arguing that PACE had no authority "to assess violations of fundamental rights and

<sup>9</sup> Azerbaijan: Whitewashing of Flawed Parliamentary Elections through PACE and Other EOMs. European Platform for Democratic Elections, 05.11.2015, <http://www.epde.org/en/newsreader/items/azerbaijan-whitewashing-of-flawed-parliamentary-elections-through-pace-and-other-eoms.html>

<sup>10</sup> Nation makes choice, new parliament elected. AzerNews, 03.11.2015, <http://www.azernews.az/nation/89390.html>

<sup>11</sup> Azerbaijan: Whitewashing of Flawed Parliamentary Elections through PACE and Other EOMs. European Platform for Democratic Elections, 05.11.2015, <http://www.epde.org/en/newsreader/items/azerbaijan-whitewashing-of-flawed-parliamentary-elections-through-pace-and-other-eoms.html>

<sup>12</sup> Three days that shook Strasbourg – human rights and corruption. European Stability Initiative, 27.01.2017, [http://www.esiweb.org/index.php?lang=yu&id=236&newsletter\\_ID=111#6](http://www.esiweb.org/index.php?lang=yu&id=236&newsletter_ID=111#6)

<sup>13</sup> Authors' interview in 2016

freedoms.”<sup>14</sup> These efforts were aimed at preventing Christof Strässer from presenting his report on political prisoners in Azerbaijan and tabling a resolution. These efforts failed but in January 2013 a resolution based on Strässer’s highly critical report was defeated in PACE thanks to a large-scale operation by the delegation of Azerbaijan, Luca Volonte and other Azerbaijani apologists. For more on this, read the chapter on PACE in this report. Remarkably, Conde called the political prisoners included in Strässer’s report “candidates for terrorists.”<sup>15</sup><sup>16</sup>

In an interesting development making one wonder whether this was a reward for all these activities, a year and a half later, in June 2015, Conde was appointed a co-rapporteur on human rights in Azerbaijan,<sup>17</sup> along with Tadeusz Iwinski from Poland, replacing Agramunt when the latter became the chair of the EPP group in PACE.

In November 2015, Conde participated in the PACE delegation engaged in observation of parliamentary elections in Azerbaijan at the peak of repression. The mission was led by Jordi Xuclà and issued a highly positive statement. Conde left PACE in 2016 and currently holds the position of the Secretary of Defence of Spain.

So far, we could not find a proof of the Heydar Aliyev Foundation cultural heritage restoration activities in Spain. However, our sources indicate that the Heydar Aliyev Foundation, a government-sponsored Nizami International Center,<sup>18</sup> and the Public Union IDEA, headed by the President’s daughter Leyla Aliyeva, are active in Spain in the framework of intercultural dialogue.

A company from a small town of Figeiros in Catalonia received a large contract for supplying chairs for the music hall in Baku.<sup>19</sup>

Some of our interlocutors say that the overall Spanish support for Azerbaijan might be connected to the territorial integrity issue, important for Madrid.

A source told us that at the height of economic crisis in Spain several years ago, Azerbaijan came to the rescue of Spanish banks, investing around 8 bln Euro in their bonds.<sup>20</sup> Official information from the Azerbaijan Embassy in Spain gives a figure of 1.2 bln Euro invested in Spanish bonds.<sup>21</sup> Possibly, in these huge investment in Spanish bonds lies the answer to why inquiries by MPs from other Spanish parties about allegations of corruption in Agramunt’s

<sup>14</sup> Showdown in Strasbourg: The Political Prisoner Debate in October 2012. European Stability Initiative, February 2013, [http://www.esiweb.org/pdf/esi\\_document\\_id\\_135.pdf](http://www.esiweb.org/pdf/esi_document_id_135.pdf) / Azerbaijan debacle: The PACE debate on 23 January 2013. European Stability Initiative, 21.02.2013, [http://www.esiweb.org/index.php?lang=en&id=156&document\\_ID=136](http://www.esiweb.org/index.php?lang=en&id=156&document_ID=136)

<sup>15</sup> El senador del PP Pedro Agramunt minimizó la represión en Azerbaiyán y allanó la construcción del gasoducto. 26 December 2016. [http://www.eldiario.es/politica/PP-Pedro-Agramunt-Azerbaiyan-construccion\\_0\\_595291055.html](http://www.eldiario.es/politica/PP-Pedro-Agramunt-Azerbaiyan-construccion_0_595291055.html)

<sup>16</sup> Azerbaijan debacle: The PACE debate on 23 January 2013. European Stability Initiative, 21.02.2013, [http://www.esiweb.org/index.php?lang=en&id=156&document\\_ID=136](http://www.esiweb.org/index.php?lang=en&id=156&document_ID=136)

<sup>17</sup> Agustín Conde becomes new PACE co-rapporteur on Azerbaijan. Vestnik Kavkaza, 21.06.2015, <http://vestnikkavkaza.net/news/Agustin-Conde-becomes-new-PACE-co-rapporteur-on-Azerbaijan.html>

<sup>18</sup> Official website of Nizami International Center. <http://www.nizamiganjavi-ic.org/>

<sup>19</sup> Authors’ interview in 2016.

<sup>20</sup> Authors’ interview in 2016. Information needs verification

<sup>21</sup> Presentation in the embassy of Azerbaijan in Madrid on 16 June 2012, <http://madrid.mfa.gov.az/es>

relations with Azerbaijan have gone nowhere.<sup>22</sup> However, there is a definite need for further investigation.

We have been told that the current European Commissioner for Energy and Climate Miguel Arias Cañete, a Spaniard, is a big supporter of Azerbaijan and Azerbaijan-related projects.<sup>23</sup> Vice-President of the European Commission for Energy Maroš Šefčovič, a Slovak, is also known for his strong support of energy cooperation with Azerbaijan.

## PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE

(p. 71)

The most exposed parliamentary body is PACE, which used to be the most vocal and consistent international parliamentary body in human rights and rule of law. PACE, just like the OSCE Parliamentary Assembly, consists of members of national parliaments, so engaging with them also opens ways to lobbying in the national parliaments. Rules in different national parliaments vary, but in general MPs do not report there on what they are doing as members of PACE of OSCE PA.

At the same time, political groups in national parliaments can issue passes for lobbyists, giving them access to the building. Ex-members of PACE have access badges to PACE. The same situation is in the German Bundestag: groups can issue access passes, and ex-MPs have access to Bundestag. In practice, this means that lobbyists like Eduard Lintner may come in any time and freely approach any MP. Regarding trips, gifts and honoraria rules in different parliaments vary.

In 2012, PACE adopted Resolution 1903 (2012)<sup>24</sup> where it wished to “introduce greater transparency in its activities and decision-making process” and expressed concern at the “pressure that some interest representatives, acting on behalf of private entities or States, have exercised on members, even within the Palais de l’Europe”. This Resolution adopted a Code of Conduct for members of the Parliamentary Assembly of the Council of Europe, introducing, inter alia, the following requirements:

“Members shall avoid conflicts between any actual or potential economic, commercial, financial or other interests on a professional, personal or family level on the one hand, and the public interest in the work of the Assembly on the other, by resolving any conflict in favour of public interest; if the member is unable to avoid such a conflict of interests, it shall be disclosed.”

“No member shall act as a paid advocate in any work of the Assembly.”

“Members shall not request or accept any fee, compensation or reward intended to affect their conduct as members, particularly in their decision to support or oppose any motion, report, amendment, written declaration, recommendation, resolution or opinion. Members shall

<sup>22</sup> Esquerra unida reclama explicacions sobre el presumpte suborn d’Azerbaijan a Pedro Agramunt. EUPV. 26 May 2012. <http://www.eupv.org/blog/2012/05/26/esquerra-unida-reclama-explicacions-sobre-el-presumpte-suborn-dazerbaidjan-a-pedro-agramunt/>

<sup>23</sup> Authors’ interviews in 2016.

<sup>24</sup> Code of conduct of members of the Parliamentary Assembly: good practice or a core duty? Resolution 1903 (2012) of the Parliamentary Assembly of the Council of Europe, 04.10.2012, <http://www.assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=19161&lang=en>

avoid any situation that could appear to be a conflict of interest or accept an inappropriate payment or gift.”<sup>25</sup>

However, enforcement mechanisms and safeguards are virtually absent, and MPs currently do not declare anything when they receive fees, travel at the expense of the host, etc. It is assumed that they are accountable to their national parliaments where they were elected to by their constituencies but, as we know, MPs do not report to their parliaments on their PACE activities.<sup>26</sup> This is a vicious circle of non-transparency and lack of accountability.

In the Norwegian parliament, trips paid by any other source than the parliament are strictly prohibited. In the Estonian parliament, everything should be strictly declared. In the German Bundestag, trips should be in principle declared, but it is not strictly enforced. Gifts over 150 Euro should be given to Bundestag, honoraria are allowed. Paid trips and honoraria should be declared as income, but without breaking down by separate lines. However, if a paid trip is done in capacity of a PACE or OSCE PA member, it does not have to be declared as a trip (but should still be included as an income).<sup>27</sup>

As we can see, relaxed rules in PACE give many opportunities to turn PACE membership into a business. We were told that generosity of Heydarov in dispensing funds for lobbying is one of the keys to Azerbaijani success in PACE. Apparently, it works the following way: an offer is provided by Elkhan Suleymanov who is called by experts a “shadow-dealing proxy” of Kamaledin Heydarov. Apparently, Samad Seyidov, the head of the Azerbaijani delegation, is not involved in bribery or other dubious engagement methods and is in conflict with Suleymanov.

Some MPs in PACE are satisfied by luxury trips, gifts, and receptions. Some have business interests and receive business opportunities. Some have the Heydar Aliyev Foundation activities in their constituency. Some others get assistance in their political career – promotions inside PACE and funds for campaigning. All of them are bribed either by a gift or cash.

We were told by a trusted source that a price tag varies: it could be 50 thousand Euro for an active role in debates and voting, or it could be 200 thousand Euro for a political campaign to get elected to an influential position in PACE.

A leading Azerbaijani human rights defender Leyla Yunus testified in a recent interview that she received first-hand information that around as early as in 2010-2011, students from Azerbaijan studying in universities in Europe, were forced by Elkhan Suleymanov to carry cash on them to Strasbourg, and this money would then be used by Azerbaijani representatives for dubious lobbying purposes in Strasbourg to develop ties with PACE deputies.<sup>28</sup>

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<sup>25</sup> Parliamentary Assembly of the Council of Europe: Code of Conduct for members. Council of Europe, January 2015. <http://website-pace.net/documents/10643/375483/CodeOfConduct-EN.pdf/13dd3317-3819-457a-a536-a4898f57db67>

<sup>26</sup> Authors’ interviews in PACE and the Council of Europe 2016.

<sup>27</sup> Authors’ interviews in 2016 with deputies and staff of Bundestag, parliament of Norway, and parliament of Estonia.

<sup>28</sup> “Caviar diplomacy” will not stop the struggle for freedom of political prisoners! Interview by Leyla Yunus. TV Programme Azerbaijan Saati (in Russian), 07.02.2017, <https://www.azerbaycansaati.tv/3428.html>

Gifts may include carpets (the one that was given to the Mayor of Cognac was worth 8000 Euro<sup>29</sup>), or it could be a spontaneous gift, like a present of a mink fur coat given to the wife of another high-level guest, a parliamentarian from France, who “felt chilly” during her visit to Baku.<sup>30</sup>

Stays in luxury hotels (Kempinski and other high-class hotels belong to Heydarov) include spa procedures and other services. We may not exclude the possibility that everything that happens in the hotels is recorded and then the records might be made use of as a compromising material.

Travels are of different types, including mass events like independence celebration, to which a large number of MPs, MEPs and staff members could be invited, and then the selection is made of who could be approached for lobbying.

Arif Mammadov, a former Azerbaijani ambassador to the CoE and the EU but now a dissident, says his former employers are good at identifying PACE members who might be willing to support them: typically those closer to retirement age who are keen to do some late-career nest-feathering. They are lured with gifts and promises of five-star travel for them and their spouses.<sup>31</sup>

Lavish reception together with nice accommodation make impression on MPs that come from poorer countries or constituencies. These are the people who then would provide voting in favour of Azerbaijan. Sometimes, such persons approach Suleymanov, expressing their interest in “visiting beautiful country”. Once, a Bulgarian MP was seen doing that.<sup>32</sup> In case of a debate and voting, these people are quickly mobilised. We were told that for Azerbaijan-related sessions there is always an unusually high turnout of those MPs who would not usually attend sessions.

In addition, there are special trips for more influential friends of Azerbaijan, those who can bring others, organise control of voting in parliaments, or lobby their governments. When important friends of Azerbaijan are coming with a larger group, like for election observation, they would often come earlier and leave later, would stay in better hotels and enjoy privileges, like government-provided limos.

Several sources told us that Pedro Agramunt during election observation by PACE in 2013 had a ready version of conclusions in professional English immediately after the elections. He presented it in five minutes after he was given a draft report prepared by the staff. Agramunt’s manipulation with texts related to Azerbaijan is described in detail in the ESI report “A Portrait of Deception. Monitoring Azerbaijan or why Pedro Agramunt should resign”.<sup>33</sup>

Numerous sources related to PACE told us that they were surprised by the impressive career of Agramunt, when his new steps strangely coincided with strengthening of his friendship

<sup>29</sup> The European Swamp (Caviar Diplomacy Part 2) – Prosecutors, corruption and the Council of Europe. European Stability Initiative, 17.12.2016, [http://www.esiweb.org/index.php?lang=de&id=156&document\\_ID=181](http://www.esiweb.org/index.php?lang=de&id=156&document_ID=181)

<sup>30</sup> Authors’ interviews in 2015-2016.

<sup>31</sup> Heaping on the Caviar Diplomacy. Matthew Valencia, The Economist, October-November 2016, <https://www.1843magazine.com/features/heaping-on-the-caviar-diplomacy>

<sup>32</sup> Authors’ interviews in 2015-2016.

<sup>33</sup> A Portrait of Deception. Monitoring Azerbaijan or why Pedro Agramunt should resign. European Stability Initiative, 22.01.2013, [http://www.esiweb.org/index.php?lang=en&id=156&document\\_ID=134](http://www.esiweb.org/index.php?lang=en&id=156&document_ID=134)

with Azerbaijan. Agramunt subsequently received rapporteurship on Azerbaijan, became the head of the EPP group in PACE, and finally became the President of PACE in 2016.

Elkhan Suleymanov expressed profound satisfaction with that fact in his blog. His post on this occasion has been later removed but English translation is available on another website.<sup>34</sup> Suleymanov's diary is quite revealing: he celebrates the victory of Agramunt, calling it "tremendous", as well the election of Michele Nicoletti from Italy as chair of the Socialist group. Suleymanov does not hide his contempt of their predecessors, well-known critics of Azerbaijani government's human rights record in PACE, Anne Brasseur (France) and Andreas Gross (Switzerland).<sup>35</sup>

In the year that preceded his nomination for PACE presidency, Agramunt was able to arrange hosting of an EPP meeting in Spain as well as to bring a large number of PACE members for "PACE dialogues" to his constituency, Valencia, famous for its resorts. Sources of funding for such expensive events are unknown.

**Pedro Agramunt** is an EPP Senator from Valencia and a business lawyer, involved with Valencian trade chamber. He has declared only one small textile business. He was under investigation in his own country for illegal funding of the PPE (EPP of Spain) and escaped a trial merely on procedural grounds.<sup>36 37</sup> Spanish prosecutors are currently investigating another major case of alleged corruption against PPE of Valencia.<sup>38</sup> In general, the situation with numerous allegations of corruption in PPE in Spain is quite scandalous.<sup>39</sup>

Agramunt has been in PACE for a very long time, since 2000, when most likely he met Ilham Aliyev and made a useful connection. He is a true veteran among acting European politicians working with Azerbaijani government: the first time he went to observe elections in Azerbaijan was as early as in 2003, the year when Ilham Aliyev inherited the post of the

<sup>34</sup> Milli Majlis elections observation mission by PACE goes ahead despite huge foreign pressure trying to isolate Azerbaijan!" MP Suleymanov from Strasbourg. 1905.az, 01.10.2015, <http://1905.az/en/milli-majlis-elections-observation-mission-by-pace-goes-ahead-despite-huge-foreign-pressure-trying-to-isolate-azerbaijan-mp-suleymanov-from-strasbourg/>

<sup>35</sup> Ibid. Here are some important quotes from Suleymanov's diary: "2) Election in EPP group of new PACE chairman 2016-2017. On June 30th this year it appeared that EPP-group is most important political group in PACE, giving them the right to present next PACE chairman. This was agreed between political group leaders. Mr. Agramunt, Chair of EPP group, was obvious candidate for this mandate. But some weeks ago he was unexpectedly challenged by Mr. Mignon (France), who was PACE chair before. Mr. Mignon made a big campaign, showing victorious attitude. But after voting in the EPP-group on Monday, results were crystal clear showing tremendous victory by 75 against 30 in favor of Mr. Agramunt. 3) Election of new chairman of Socialist group. After many years of monopolizing the chair of Socialist Group by Mr. Gross (Switzerland), finally there comes an end to his political career and a new leader needed to be appointed. It will make a huge difference to Azerbaijan not to have Mr. Gross anymore in the cockpit of PACE, as – same as Mme. Brasseur – he was continuously obsessed by Azerbaijan, using lie and slander to poison the debate and to attack the reputation of our country. Finally a new wind will blow in the meeting room of socialist group, now new chairman Mr. Nicoletti from Italy was appointed."

<sup>36</sup> Quién es quién en el sumario del 'caso Naseiro' / y 2. El País, 12.05.1990, [http://elpais.com/diario/1990/05/12/espana/642463205\\_850215.html](http://elpais.com/diario/1990/05/12/espana/642463205_850215.html)

<sup>37</sup> Las Cintas del Caso Nasiero. Investigation materials on Los Genoveses (an anti-corruption blog), 1990, <http://www.losgenoveses.net/Los%20Asuntillos/casonaseiro/cintasnaseiro.pdf>

<sup>38</sup> See an overview of investigation of alleged cases of corruption in Valencia: Casos de corrupción en la Comunidad Valenciana. Principales condenados e imputados en fase de investigación o enjuiciamiento. El País, 11.02.2016, [http://elpais.com/elpais/2016/02/10/media/1455122691\\_834120.html](http://elpais.com/elpais/2016/02/10/media/1455122691_834120.html)

<sup>39</sup> See a collection of articles, photo- and video materials on numerous cases of alleged corruption in the PPE: Corrupción en el PP. Website of El Periodico, <http://www.elperiodico.com/es/temas/corrupcion-partido-popular-270>. Accessed on 01 March 2017



President. We were told by several interlocutors that Azerbaijan was extremely supportive of his “campaign” for election to the position of PACE President and allocated the amount with a figure “with five zeros”, and one quite knowledgeable source said it was 200 thousand Euro.<sup>40</sup>

Other MPs reportedly have received chunks of money that could be used for travels to promote themselves for different positions that would allow them to control or influence resolutions in PACE.

When the public version of this report was finalised in April 2017, new important testimonies became available in a publication by The Guardian. Arif Mammadov, a former Azerbaijani diplomat turned dissident, alleged that a member of the country’s delegation to PACE had 30 million Euro to spend on lobbying the Council of Europe institutions, including the Assembly. “Everyone” in the Azerbaijani delegation had heard of this number, although “it was never written down”, he told the Guardian. “It was said this money was to bribe members of the delegations and PACE generally.” Tobias Billström, a Swedish delegate to the Assembly and former justice minister, said “very credible members” had told him they had been offered bribes to vote in a certain way.<sup>41</sup>

In Strasbourg, we were told that almost all important committees and the Bureau of PACE are now taken over by friends of Azerbaijan from different political groups.<sup>42</sup> According to the European Stability Initiative report, a plan to engage members of different political groups for key debates and voting on the human rights situation in Azerbaijan was originally devised by the head of the EPP group in PACE Luca Volonte in 2012.<sup>43</sup>

While the EPP (the most influential political group in PACE) is a pro-Azerbaijani stronghold, members of other groups are being approached too to provide stronger control over voting and rapporteurship. For example, a Socialist **Debono Grech** from Malta was used to defeat a candidacy for the rapporteur on Azerbaijan of another SPD member from Norway who had a critical view of the human rights situation in Azerbaijan. He would never show up at the SPD group meetings and appeared only when a new post of a rapporteur on Azerbaijan emerged. Then the whole Azerbaijani PACE control system was used to provide for his election, both in Strasbourg and Paris, through phone calls, receptions and letters. It was this case when a Finnish ex-attaché was mobilised for phoning Finnish MPs.<sup>44</sup>

The Azerbaijani government began actively lobbying on the matter of political prisoners more than 10 years ago, convincing PACE not to appoint a rapporteur in 2005, and then deflecting attention when a new special rapporteur, German MP Christoph Strässer, was eventually

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<sup>40</sup> Authors’ interviews 2016. Information needs verification

<sup>41</sup> Fresh claims of Azerbaijan vote-rigging at European human rights body. Jennifer Rankin, The Guardian, 20 April 2017, <https://www.theguardian.com/law/2017/apr/20/council-of-europe-urged-to-investigate-azerbaijan-bribery-allegations>

<sup>42</sup> Authors’ interviews with PACE members, staff of the PACE Secretariat and staff of delegations to PACE in 2016.

<sup>43</sup> The European Swamp (Caviar Diplomacy Part 2) – Prosecutors, corruption and the Council of Europe. European Stability Initiative, 17.12.2016, [http://www.esiweb.org/index.php?lang=de&id=156&document\\_ID=181](http://www.esiweb.org/index.php?lang=de&id=156&document_ID=181)

<sup>44</sup> Authors’ interviews with PACE members and staff of the PACE Secretariat and staff of delegations to PACE in 2016.

appointed in 2009, successfully drawing focus for several years on the need for a definition of political prisoners rather than examination of the situation within Azerbaijan itself.<sup>45</sup>

A definition of political prisoner was adopted in a PACE resolution in October 2012, and yet the Azerbaijani government continued to refuse to cooperate with Strässer, preventing him from travelling to the country for a fact-finding visit in accordance with his mandate. Strässer proceeded with his report anyway, conducting research from abroad, producing a list of possible cases of political prisoners and an accompanying draft resolution. The issue came to a head in January 2013 when PACE voted on the draft resolution on “The follow up to the issue of political prisoners in Azerbaijan”.<sup>46</sup>

The resolution, which would have been crucial in the Council of Europe’s efforts to hold Azerbaijan accountable for its obligations as a member state, was defeated in a vote of 125 to 79. The move was a major victory for Azerbaijan’s lobbyists, and a blow to the human rights community.<sup>47</sup>

Consistently, in the last several years when Azerbaijan’s lobbying activity has affected PACE the most, rapporteurs on the human rights situation in Azerbaijan (with a mandate from the Monitoring Committee) have been always chosen from among friends of Azerbaijan: first it was **Pedro Agramunt**, then, when he became the chair of the EPP, he was succeeded as a rapporteur by another Spaniard **Agustin Conde**. Their respective co-rapporteurs were Maltese **Debono Grech** and Polish **Tadeusz Iwinski** from Social Democrats, all of them active supporters and apologists of Azerbaijan. Conde and Iwinski lost elections in 2015 and are not in PACE anymore. This finally allowed electing in early 2016 a decent rapporteur from SPD, an Austrian MP **Stefan Schennach**, who, unfortunately, now has a company of well-known Azerbaijani apologist **Florin Preda** (Romania, EPP).

The two new monitoring co-rapporteurs, Schennach and Preda, travelled to Baku for a fact-finding visit from 15 to 17 June 2016. Meetings were held, among others, with President Aliyev, the speaker of Parliament, Prosecutor General, Justice Minister and head of the Central Election Commission, as well as the members of Azerbaijan’s delegation to PACE. They also met with civil society representatives and visited some political prisoners.<sup>48</sup>

The monitoring rapporteurs were back to Baku in September 2016 to observe the referendum. Preda's comment on the observation speaks for itself: “The referendum was well-organised. I think the population ...was well aware of the referendum. My observations show this... We did not come here to look for flaws; there are shortcomings in all countries.”<sup>49</sup>

<sup>45</sup> Rebecca Vincent, “The Council of Europe and Azerbaijan: A cautionary tale”, in *Institutionally blind? International organisations and human rights abuses in the former Soviet Union*, edited by Adam Hug, Foreign Policy Centre, September 2016, <http://fpc.org.uk/publications/institutionallyblind>

<sup>46</sup> The follow-up to the issue of political prisoners in Azerbaijan. Parliamentary Assembly of the Council of Europe, December 2012, <http://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewPDF.asp?FileID=19217&lang=en>

<sup>47</sup> Rebecca Vincent, “The Council of Europe and Azerbaijan: A cautionary tale”, in *Institutionally blind? International organisations and human rights abuses in the former Soviet Union*, edited by Adam Hug, Foreign Policy Centre, September 2016, <http://fpc.org.uk/publications/institutionallyblind>

<sup>48</sup> Azerbaijan monitors return to Baku. Website of the Parliamentary Assembly of the Council of Europe, 13.06.2016. <http://www.assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=6220&lang=2&cat=3>

<sup>49</sup> "Hope this mistake will be withdrawn from PACE mission’s final report on Azerbaijani referendum". APA Azerbaijani Press agency, 27.09.2016, <http://en.apa.az/azerbaijan-politics/foreign-news/hope-this-mistake-will-be-withdrawn-from-pace-mission-s-final-report-on-azerbaijani-referendum.html>

The latest visit of the two co-rapporteurs in January 2017 was concluded with a controversial statement, criticised by civil society organisations who insist on continued focus on political prisoners remaining in custody or convicted in new acts of repression: “It is essential to give a renewed impetus to the reform processes and pursue dialogue with the authorities, in particular in the areas of the judiciary, media freedom and human rights, notably concerning the legislation on NGOs. We are ready to continue our co-operation with the Azerbaijani government and people to define and implement these reforms. While we considered specific ongoing cases of persons in detention during our visit, our discussions mainly focused on the reform of the justice system as a whole. It is important to address the root causes of the problem and to enhance confidence in, and the independence of, the justice system. We welcome the readiness expressed by the Azerbaijani authorities to closely co-operate with the Council of Europe on justice reform.”<sup>50</sup>

The best-known and longest-serving Azerbaijani political prisoner, Ilgar Mammadov, asked PACE to remove Florian Preda from the position of rapporteur on human rights in Azerbaijan on ethical grounds in his appeal from prison published in early September 2016, a few days before the constitutional referendum.<sup>51</sup>

Parallel to the functioning of the regular mandate of co-rapporteurs on the human rights situation in Azerbaijan who are appointed by and report to the Monitoring Committee, there is continued struggle around another, extraordinary mandate related to political prisoners in Azerbaijan, based in the Committee on Legal Affairs and Human Rights.

After a draft resolution based on Christof Strässer’s report on political prisoners was voted down in January 2013, there were repeated calls for continuation of this mandate and appointment of a new rapporteur. These calls were resisted by friends of Azerbaijan in PACE

<sup>50</sup> Statement by PACE monitors, ending visit to Azerbaijan. Website of the Parliamentary Assembly of the Council of Europe, 19.01.2017, <http://www.assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=6483&lang=2&cat=3>

<sup>51</sup> Address by Ilgar Mammadov, Imprisoned Director of the Baku School of Political Studies. Website of the Association of Schools of political studies of the Council of Europe, 09.09.2016, <http://www.schoolsofpoliticalstudies.eu/Address-Ilgar-Mammadov.aspx>. In the letter, Ilgar Mammadov says: “There is no need to describe in this appeal the whole range of difference I had with the new co-rapporteurs of the PACE Monitoring Committee at our meeting on 17 June 2016. Whereas Mr. Schennach was ready to discuss constructively and honestly the above scepticism, which I had managed to outline at the meeting, Mr. Cezar Florin Preda’s attitude was much in the spirit of Azerbaijani GONGOS, always trying to provide the authorities with the fresh excuse for my continued imprisonment. ...official state newspapers [reported] on their meeting with the chairman of Azerbaijani parliament [and] quoted Mr. Florin Preda glorifying the Milli Majlis as “embodiment of democratic values”. ...the co-rapporteur’s assessment was in stark contrast with a number of OSCE/ODIHR election observation reports; with the annual US State Department reports, which say that the people of Azerbaijan are deprived of the right to change their government at free and fair elections; institutions operating in the fields of democracy and human rights call the Milli Majlis a rubber stamp office at service of the President and appointed by the President. To please the authorities even more, however, Mr. Florin Preda then went as far as speaking to them with delight about his and his family’s attendance of the European Games in 2015 in Baku. Let me remind you that on political level, the democratic Europe boycotted the Games because the crackdown on democratic institutions in Azerbaijan was at another peak at the time. Only Mr. Erdogan and Mr. Putin were present at the opening ceremony and the former made even a sarcastic remark about absence of European leaders at the European Games. The bombastic propaganda event, called to demoralize political prisoners and overshadow the suffering of their families, not only was happily attended by Mr. Florin Preda, now the co-rapporteur: today he emphasizes his family’s emotional connection to the scandalous celebration. Given the impropriety of Mr. Florin Preda’s remarks, as quoted by the state-owned media in Azerbaijan, I hereby call on you, the PACE ethics body, to remove him, in cooperation with the Monitoring Committee, from the position of co-rapporteur on Azerbaijan.”

who were pushing for abolishing this mandate, referring this matter to the Monitoring Committee and including the issue of political prisoners in the regular mandate of monitoring rapporteurs, whose positions they firmly controlled.<sup>52</sup>

After much debate, a year and a half later, at the beginning of Azerbaijan's chairmanship in the Council of Europe, a compromise was reached. On 25 June 2014, the Committee on Legal Affairs and Human

Rights created a mandate on the topic "Azerbaijan's Chairmanship of the Council of Europe: What follow-up on Respect for Human Rights?" which partially substituted the previous mandate on political prisoners in that country and would address this issue.<sup>53</sup> The move could be viewed as a positive step in light of a sharp increase in politically motivated arrests in Azerbaijan following the defeat of Strässer's report. This mandate is valid until June 2017 and will have to be negotiated again at that time.

However, hopes were premature: the position was given to Pedro Agramunt, a leading apologist for the Aliyev regime in PACE who had successfully shielded Azerbaijan from criticism in his capacity of the rapporteur of the Monitoring Committee. For some time, he combined two mandates (until spring 2015 when he became the chair of the EPP and had to give the monitoring mandate to Agustín Conde). Critically-minded MPs reacted bitterly: "There can be no hope of a balanced report from Agramunt..."

It's sad that so many CoE delegates have been influenced by lobbying.<sup>54</sup> NGOs were also very critical of the decision to combine the two mandates in the hands of one person, pointing that "not designating a separate rapporteur raises questions about impartiality of the process... [and] adds to a worrying trend within PACE to avoid any critical discussion on human rights in Azerbaijan."<sup>55</sup> Indeed, Agramunt did not produce any report during his term, providing only short information notes on his trips to Azerbaijan.

Soon after Agramunt became PACE President in January 2016, he had to give up his second mandate, the one of the rapporteur on the follow-up to the Azerbaijan's Chairmanship. Naturally, a well-organised group of Azerbaijan's friends would not allow this important mandate to get into the hands of critics of the Aliyev regime. Using their control of the Committee on Legal Affairs and Human Rights, in March 2016, they appointed a liberal from Belgium **Alain Destexhe**, another leading apologist of the regime in Baku and an organiser of the notorious European Academy for Elections Observation, an international NGO whose activity has been assessed as "fake election observation" by reputable experts, including the European Platform for Democratic Elections.

<sup>52</sup> See, for example, Parliamentary Assembly of the Council of Europe. Report on the 2014 Ordinary Session. Monday 23 June at 11:30 a.m.

<http://assembly.coe.int/Documents/Records/2014/E/1406231130E.htm>

<sup>53</sup> Azerbaijan's Chairmanship of the Council of Europe: What follow-up on respect for human rights? Motion for a resolution, Parliamentary Assembly of the Council of Europe, 08.03.2016, <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=20722&lang=en>

<sup>54</sup> British MP Who Challenged Aliyev Says 'The Reputation Of The Council Of Europe Is At Stake'. Rebecca Vincent, Azadliq, 07.7 2014, <https://www.azadliq.org/a/25447437.html>

<sup>55</sup> PACE members should live up to their duty to protect and promote human rights. Statement by Amnesty International, 03.07.2014.

[http://www.amnesty.eu/content/assets/040714\\_Public\\_statement\\_PACE\\_stance\\_on\\_Azerbaijan\\_final.pdf](http://www.amnesty.eu/content/assets/040714_Public_statement_PACE_stance_on_Azerbaijan_final.pdf)

Destexhe's first trip to Baku in his new capacity happened in June 2016, parallel to the trip of the monitoring co-rapporteurs. He was received during this visit by Ilham Aliyev. Official report on the

President Aliyev's website covered the meeting in very positive terms: "Senator Alain Destexhe congratulated the head of state on the start of Formula 1 Grand Prix of Europe in Azerbaijan. Emphasizing the increasing interest in Formula 1 races around the world, Alain Destexhe said his country would also host the European Grand Prix. Saying Baku was a new country on the map of Formula 1, Aliyev expressed his confidence that the race would be interesting for visitors and create good opportunities for them to better familiarize themselves with the country and get more information about development processes in Azerbaijan. The sides exchanged views on prospects for cooperation between Azerbaijan and the Council of Europe."<sup>56</sup> The cordial welcome to the PACE rapporteur on follow-up the Azerbaijan's chairmanship in the Council of Europe looked very different from the hostile treatment by Baku of the rapporteur on political prisoners Christof Strässer in 2012 who was not even allowed to come to Azerbaijan during his term of the rapporteur.

We were warned by our sources in Azerbaijan in advance of the Formula 1 competition that this international event would be another excuse, like Eurovision and the European Games earlier, to "show Azerbaijani hospitality towards loyal friends from Europe."<sup>57</sup> Critics say Grands Prix is at best a vanity project, and at worst "sportswashing", used for propaganda purposes at home and to launder the regime's reputation abroad.<sup>58</sup>

It is worth taking a closer look at **Alain Destexhe**. He is a well-known Belgian politician, currently a member of the Senate, and an international expert with an impressive career record, including writing authoritative books on international humanitarian law and holding positions of Secretary-General of Medicines sans Frontiers and President of the International Crisis Group (he is currently a member of the Advisory Board of the Group). He is also President of the Parliamentary Network on the World Bank and the International Monetary Fund.

Despite these achievements and international recognition, it is Destexhe who led election observation missions to Azerbaijan in 2008, 2010 and 2013 (the latter two as a representative of EAEO), endorsing them as free, fair and democratic, and has emerged as one of the key figures protecting the Aliyev regime from criticism.

Destexhe has a very particular role in organising and leading an international election observation business, specifically developed to whitewash rigged elections in authoritarian regimes and counter conclusions of observers from the OSCE, a new, quickly developing and very troubling phenomenon. For more information on this, see the special section on "fake observers" in this report.

Destexhe paid numerous visits to Azerbaijan, which were connected, besides elections, to Nagorno-Karabakh. In 2012, he played a central role in the Azerbaijan energy event, hosted

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<sup>56</sup> President of the Republic of Azerbaijan Ilham Aliyev has received Senator of the Kingdom of Belgium, chairperson of PACE Committee on Legal Affairs and Human Rights, rapporteur on human rights in Azerbaijan Alain Destexhe. Official website of the President of Azerbaijan, 17.06.2016, <http://en.president.az/articles/20303>

<sup>57</sup> Authors' interviews with Azerbaijani experts in 2015-2016.

<sup>58</sup> Heaping on the Caviar Diplomacy. Matthew Valencia, *The Economist*, October-November 2016, <https://www.1843magazine.com/features/heaping-on-the-caviar-diplomacy>

by the European Parliament and initiated by OCAZ, Suleymanov's outlet. In the same year, together with Suleymanov, he presented a book on Belgian-Azerbaijani relations in Belgian MFA. In 2013, he brought the 10<sup>th</sup> annual conference of the Parliamentary Network of the World Bank and the IMF to Baku. It was the first “east of Europe” destination of the conference, bringing the most important officials to Baku.

In January 2016 his career in PACE went upwards: was elected Chairperson of the PACE Committee on Legal Affairs and Human Rights and by default a member of the Bureau of PACE and the Standing Committee of PACE.<sup>59</sup> These important positions, in addition to his rapporteurship on the follow-up to Azerbaijan’s Chairmanship of the Council of Europe, give him ample opportunities to influence the PACE position on Azerbaijan.

Alain Destexhe’s position on political prisoners in Azerbaijan and on his mandate as the rapporteur on Azerbaijan is quite clear from his recent statements. During his latest visit to Baku, Alain Destexhe met on 9 February 2017 with leading Azerbaijani independent journalist and former political prisoner Khadija Ismayilova, among other interlocutors. According to Ms. Ismayilova’s account of the meeting, from the very beginning Alain Destexhe “said he did not want to get into the political prisoners issue because there are arguments on the number of those. He also said he does not want any examples as he has heard too many already”. Since Mr. Destexhe received the mandate of the rapporteur on Azerbaijan, “he visited the country to attend Formula 1 and to give positive assessment to the rigged referendum in 2016. He keeps saying that there are no proofs of elections being rigged. My understanding is that Azerbaijan needs special rapporteur on political prisoners, who will work with various lists and define PACE's position on the issue. Alain Destexhe is not going to address this issue,” concludes Ms. Ismayilova.<sup>60</sup>

Destexhe’s activity causes critique of local human rights defenders. Members of the Working Group for drawing up a single list of political prisoners appealed in January 2017 to PACE to appoint a new rapporteur on political prisoners in Azerbaijan. They pointed out that Alain Destexhe, appointed on 7 March, 2016 to assess the human rights situation in Azerbaijan, did not work on his mandate, shied away from cooperation with civil society representatives and human rights defenders, and did not come into the country in the framework of the mandate.<sup>61</sup>

Destexhe will have to produce a report and present it to the Committee by June 2017 when the term of this mandate ends. It will be quite a challenge for everyone concerned. To the credit of PACE, a healthy cross-party coalition of MPs started to emerge in 2015 willing to take action against political corruption. They advocate for more accountability and transparency over what fees PACE members are paid in different countries, what trips they make under which conditions, and what gifts they receive. It was in the beginning of 2017 when this coalition has finally come to the forefront of struggle for the integrity of the Assembly.

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<sup>59</sup> Page of Alain Destexhe on PACE website, <http://www.assembly.coe.int/nw/xml/AssemblyList/MP-Details-EN.asp?MemberID=7305>

<sup>60</sup> Khadija Ismayilova Facebook post, 10.02.2017, <https://www.facebook.com/khadija.ismayil/posts/10206506510780092>

<sup>61</sup> Why did Alain Destexhe arrive in Baku? Contact, 09.02.2017, <http://contact.az/docs/2017/Politics/020900182732en.htm#.WKnBa6Chqkp>

A major scandal erupted in PACE after the release on 21 November 2016 of a documentary film by the Italian public broadcaster RAI 3, entitled "Caviar Democracy".<sup>62</sup> The film presented documentary evidence from the investigation by prosecutors in Milan conducted since June 2014 on charges of corruption and money laundering against the former leader of the EPP in PACE, Luca Volonte. Equally importantly, Volonte admitted in an interview to the authors of the film in 2016 to have received almost 2.4 mln Euro from the key Azerbaijani lobbyist Elkhan Suleymanov via offshore companies in 2012-2014, prior to and after the voting on Strässer's report.

The release of this film as well as reports and appeals by NGOs, including the European Stability Initiative, Amnesty International and Transparency International,<sup>63</sup> created a new dynamics in PACE. In addition, on 16 January 2017, 60 members of Azerbaijani civil society and 20 international NGOs addressed a letter to PACE in relation to the criminal proceedings launched against Luca Volonte, calling on PACE to take immediate actions, including an urgent debate and investigation into allegations of corruption in PACE, suspend the mandate of the Azerbaijani representatives implicated in the scandal, suspend the voting rights of the Azerbaijani delegation, appoint a special ethics commission, and appoint a reputable rapporteur on political prisoners in Azerbaijan.<sup>64</sup>

All this prompted 64 PACE members from five political groups and 25 countries to speak up strongly against corruption in the Assembly at the session in January 2017 and adopt a written declaration on the Parliamentary Assembly integrity, introduced by MPs Pieter Omtzigt (EPP, the Netherlands) and Frank Schwabe (Socialist Group, Germany), calling to "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".<sup>65,66</sup>

Media reports on this subject have dramatically increased in numbers lately and have pointed at possible involvement in improper conduct or corruption of not only Volonte but other PACE members such as Pedro Agramunt, Jordi Xuclà, Luigi Vitali, Tadeusz Iwinski, and

<sup>62</sup> Caviar Democracy. Website of investigative TV programme "Report" of RAI 3 TV channel, 21.11.2016, <http://www.report.rai.it/dl/Report/puntata/ContentItem-3b829e27-145d-4141-b216-1bb41a4cc1bd.html#name>

<sup>63</sup> The European Swamp (Caviar Diplomacy Part 2) – Prosecutors, corruption and the Council of Europe. European Stability Initiative, 17.12.2016. [http://www.esiweb.org/index.php?lang=en&id=156&document\\_ID=181](http://www.esiweb.org/index.php?lang=en&id=156&document_ID=181); Allegations of suspicious money transfer and other violations of the Parliamentary Assembly's Code of Conduct in connection with its work on Azerbaijan: Letter by Amnesty International to PACE leadership, 24.01.2017, <https://www.amnesty.org/en/documents/eur55/5556/2017/en/>; Responses to serious allegations of corruption in the Council of Europe: Letter by Transparency International to the leadership of the Council of Europe and PACE, 19.01.2017, <http://transparency.eu/coe-vote-buying/>.

<sup>64</sup> Letter to the Members of the Parliamentary Assembly of the Council of Europe (PACE). Website of the Institute for Reporters' Freedom and Safety, 16.01.2017, [http://paulflynmp.typepad.com/my\\_weblog/2017/02/allegations-in-council-of-europe-report-1.html](http://paulflynmp.typepad.com/my_weblog/2017/02/allegations-in-council-of-europe-report-1.html)

<sup>65</sup> Council of Europe urged to investigate Azerbaijan bribery allegations. Jennifer Rankin, The Guardian, 01.02.2017. <https://www.theguardian.com/law/2017/feb/01/council-of-europe-urged-investigate-azerbaijan-bribery-allegations>

<sup>66</sup> El senador del PP Pedro Agramunt minimizó la represión en Azerbaiyán y allanó la construcción del gasoducto. 26 December 2016. [http://www.eldiario.es/politica/PP-Pedro-Agramunt-Azerbaiyan-construccion\\_0\\_595291055.html](http://www.eldiario.es/politica/PP-Pedro-Agramunt-Azerbaiyan-construccion_0_595291055.html)

Agustin Conde.<sup>67</sup> In one interview, Volonte and Agramunt were named as heads of a lobbyist group and “friends for money”.<sup>404</sup>

Importantly, Spanish media publications refer to a likely important purpose of the conspiracy to whitewash Azerbaijani government’s electoral and human rights record and obscure the existence of political prisoners in this country. They claim that the goal was to secure loans to Azerbaijan from the World Bank for the construction of TANAP, a gas pipeline from Azerbaijan to Turkey which would then continue as TAP, or Trans-Adriatic Pipeline, bringing gas further to Europe. Indeed, a loan of 800 mln Euro was approved by the Council of the World Bank on 20 December 2016.<sup>68</sup>

In the wake of the scandal, Spanish MEPs from the Podemos party Miguel Urbán and Xabier Benito requested that Spanish Prosecutor General cooperate with Italian police working on the Volonte case and investigate dealings of Pedro Agramunt.<sup>69</sup>

Outraged by very serious allegations of corruption at PACE, its Committee on Rules of Procedure, Immunities and Institutional Affairs unanimously adopted a declaration in which it called for a review of the Assembly’s procedures, as well as the principles and mechanisms established by the Code of Conduct for members of the Parliamentary Assembly.

Finally, on 27 January, the PACE Bureau agreed with the declaration by the Rules Committee, on allegations of corruption and fostering of interests made against some members or former members of PACE, and unanimously supported a three-fold approach to dealing with the matter. The Bureau tasked PACE Secretary General Wojciech Sawicki to prepare terms of reference for an external investigation and submit it to the next meeting of the Bureau in March. The Bureau also committed to revising the Assembly’s Code of Conduct and invited GRECO (the Council of Europe’s Group of States against Corruption) to provide advice to the Rules Committee, charged with the investigation.

In the light of these developments, Agramunt, in his capacity of PACE President, had to agree to set up an independent investigation to “shed light on hidden practices that favour corruption,” after initially resisting calls for the inquiry, blaming fellow parliamentarians for “a campaign to discredit political opponents by means of slurs, intimidation and coercion”. Essentially, Agramunt made an abrupt U-turn on 27 January in favour of an investigation, after strongly-worded complaints from a dozen countries, including Switzerland, Belgium, the Baltic and Nordic states.<sup>70</sup>

Indeed, in the end Agramunt had to express his commitment against corruption and announced that he had ordered to open an investigation. However, there might be additional reasons for that: Spanish media claim that Agramunt made these statements after Spanish

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<sup>67</sup> Un nuevo escándalo de corrupción en Europa salpica a un miembro del PP. Mundiario. 7 December 2016. <http://www.mundiario.com/articulo/politica/diputado-pp-habria-aceptado-jugosos-sobornos-azerbaiyan-turquia/20161227140008075059.html>

<sup>68</sup> Una investigación sobre presiones para el gasoducto Azerbaiyán-Turquía salpica al senador del PP Pedro Agramunt. El Diario, 26.12.2016, [http://www.eldiario.es/politica/investigacion-Azerbaiyan-Turquia-PP-Pedro-Agramunt\\_0\\_593540957.html](http://www.eldiario.es/politica/investigacion-Azerbaiyan-Turquia-PP-Pedro-Agramunt_0_593540957.html)

<sup>69</sup> Un nuevo escándalo de corrupción en Europa salpica a un miembro del PP. Mundiario, 07.12.2016, <http://www.mundiario.com/articulo/politica/diputado-pp-habria-aceptado-jugosos-sobornos-azerbaiyan-turquia/20161227140008075059.html>

<sup>70</sup> Council of Europe urged to investigate Azerbaijan bribery allegations. Jennifer Rankin, The Guardian, 01.02.2017. <https://www.theguardian.com/law/2017/feb/01/council-of-europe-urged-investigate-azerbaijan-bribery-allegations>



deputies from a regional coalition of parties in Valencia, called *Coalició Compromís*, announced that they had registered petitions for Agramunt's appearance in the Commission of European Affairs of the parliament of Valencia and in the Commission on Foreign Affairs of the Senate, to explain his “alleged implications” in the “murky cases” of the so-called “caviar diplomacy” of Azerbaijan.<sup>71</sup>

The autonomous deputy of *Compromís*, Mònica Àlvaro, and the territorial senator of the coalition, Carles Mulet, in their petition emphasised: “Now, it has been reported that the Italian police would have intercepted emails allegedly pointing directly to Agramunt”. Likewise, a question from *Compromís* was addressed to the government of Spain to request that the publications would be transferred to the Attorney General of Spain to see if he can open an investigation on the matter.<sup>72</sup>

Earlier in December 2016, Senator Iñaki Bernal from the coalition of *Izquierda-Ezkerra* with the *Podemos* party in the Spanish province of Navarra, presented a series of parliamentary initiatives to request clarification of the alleged accusations that have been made about Pedro Agramunt. Bernal requested the appearance of Agramunt in the Senate Justice Commission to explain these alleged accusations. He also requested a written report by Agramunt to be submitted to the Government to clarify the situation in which he is allegedly being linked to corruption allegations, and has submitted a question to the government to answer if it is going to take initiatives on this issue.<sup>73</sup>

Reacting to the ESI report, Agramunt commented that the case for corruption against Luca Volonte had been filed by a judge in Milan and that what is now investigated is whether there was a tax offense, implicitly suggesting that allegations of corruption against Volonte do not have prospects of further investigation and judicial review. More importantly, he emphasised that as the president of PACE, he had ordered an “all-pervasive internal investigation” on parliamentarians, lobbies and NGOs to know the financing system of each of these actors.<sup>74</sup>

Two things are particularly worrying in this statement. First, it is the term “internal”. Many critics, including NGOs and PACE members who signed the Omtzigt-Schwabe Declaration in January 2017, demand truly independent and external investigation. Indeed, there are many reasons to believe that if an investigation is internal, treated as only an internal matter of PACE, it will be not impartial and thorough, given that many MPs in key positions in the Assembly have been either allegedly involved in lobbying on behalf of Azerbaijan or at least are well-known apologists of the government in Baku.

Secondly, Agramunt said that the investigation should target, among others, NGOs, “to know financing systems of each of these actors”. By pointing at NGOs, the PACE President is diverting attention from the essence of the allegations of corruption by the Azerbaijani

<sup>71</sup> Agramunt niega corrupción y ordena investigación en asamblea europea. Las Provincias, 14.02.2017, <http://www.lasprovincias.es/agencias/valencia/201702/14/agramunt-niega-corrupcion-ordena-890759.html>

<sup>72</sup> *Compromís* pide que el senador Agramunt explique su implicación en la “diplomacia del caviar”. El Periodic, 11.02.2017, [http://www.elperiodic.com/noticias/488871\\_comprom%C3%ADs-pide-senador-agramunt-explique-implicaci%C3%B3n-%E2%80%9Cdiplomacia-caviar%E2%80%9D.html](http://www.elperiodic.com/noticias/488871_comprom%C3%ADs-pide-senador-agramunt-explique-implicaci%C3%B3n-%E2%80%9Cdiplomacia-caviar%E2%80%9D.html)

<sup>73</sup> El Senador de I-E pide explicaciones a Agramunt (PP) por supuestos “sobornos y corrupción”. Navarra Informacion, 27.12.2016, <http://www.navarrainformacion.es/2016/12/27/senador-i-e-pide-explicaciones-agramunt-pp-supuestos-sobornos-corrupcion/>

<sup>74</sup> Agramunt niega corrupción y ordena investigación en asamblea europea. Las Provincias, 14.02.2017, <http://www.lasprovincias.es/agencias/valencia/201702/14/agramunt-niega-corrupcion-ordena-890759.html>

representatives and implies that NGOs are the real culprits, reiterating Xuclà's, Fischer's, and Suleymanov's claims. Xuclà's response to ESI on Luca Volonte's alleged bribery was quite revealing: "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."<sup>75</sup> Suleymanov, in his turn, called NGOs and critical MPs "slanderers".<sup>76</sup>

The key question now is what terms of reference of the investigation will be adopted before the April session of PACE and whether they will ensure that it is a serious and impartial investigation, conducted by truly independent external experts with experience and expertise in such matters.

Involvement of the Secretary General of the Council of Europe is seen as necessary by many observers to ensure that investigation is not controlled by the same group of Azerbaijan apologists in PACE and that the situation is not treated as an internal matter of the Assembly. Given that in December 2015 Secretary General Jagland launched an investigation into Azerbaijan's compliance with its obligations under the European Convention on Human Rights, a procedure applied for the first time ever in the history of the Council of Europe, he might well be seen as legitimately interfering in this unprecedented situation in PACE.

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<sup>75</sup> Three days that shook Strasbourg – human rights and corruption. European Stability Initiative, 27.01.2017, [http://www.esiweb.org/index.php?lang=yu&id=236&newsletter\\_ID=111#6](http://www.esiweb.org/index.php?lang=yu&id=236&newsletter_ID=111#6)

<sup>76</sup> Elkhan Suleymanov: "Networked slanderers exposed!", Website of Elkhan Suleymanov, 14.02.2017, <http://elkhan-suleymanov.az/en/2017/02/14/elkhan-suleymanov-networked-slanderers-exposed/>. Accessed on 05.03.2017