

# **A CALL FOR LAUNCHING EXTERNAL, INDEPENDENT, AND IMPARTIAL INVESTIGATION INTO ALLEGATIONS OF CORRUPTION AND OTHER VIOLATIONS OF THE PARLIAMENTARY ASSEMBLY CODE OF CONDUCT IN CONNECTION WITH ITS WORK ON AZERBAIJAN**

## **AN OPEN LETTER BY CIVIL SOCIETY ORGANISATIONS TO PACE**

Members of the Bureau of the Parliamentary Assembly of the Council of Europe

All members of the Parliamentary Assembly of the Council of Europe

Copy to:

- Secretary General of the Council of Europe
- Commissioner for Human Rights of the Council of Europe

20 April 2017

We, representatives of international and national non-governmental organisations, issue this appeal prior to a discussion of the investigation into allegations of corruption at the Parliamentary Assembly of the Council of Europe (PACE) in connection with its work on Azerbaijan, at the Assembly's April 2017 session and a meeting of the Bureau of the Assembly before the session. We call upon you to support a full, thorough and independent investigation into the corruption allegations, with full civil society oversight.

We are extremely concerned about credible allegations presented in a December 2016 report by the European Stability Initiative (ESI), "The European Swamp: Prosecutions, corruption and the Council of Europe"<sup>1</sup> building on previous findings by ESI and others published in 2012-16<sup>2</sup>, detailing improper influencing of Assembly members by representatives of the Azerbaijani government. In particular, the reports include credible allegations that PACE members from various countries and political groups received payments and other gifts with a view to influencing the appointment of Assembly rapporteurs on Azerbaijan, as well as reports and resolutions of the Assembly on Azerbaijan, most notably the PACE vote on the draft resolution on political prisoners in Azerbaijan in January 2013.

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<sup>1</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>2</sup> See, for example: 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>; Caviar Diplomacy. How Azerbaijan silenced the Council of Europe. European Stability Initiative, 24.05.2012, [http://www.esiweb.org/index.php?lang=en&id=156&document\\_ID=131](http://www.esiweb.org/index.php?lang=en&id=156&document_ID=131); "Europe and Azerbaijan: The End of Shame". Gerald Knaus, in Journal of Democracy, July 2015, <http://www.journalofdemocracy.org/sites/default/files/Knaus-26-3.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); Disgraced. Azerbaijan and the end of election monitoring as we know it. European Stability Initiative, 05.11.2013, [http://www.esiweb.org/index.php?lang=en&id=156&document\\_ID=145](http://www.esiweb.org/index.php?lang=en&id=156&document_ID=145).

The allegations regarding improper conduct of PACE members are serious, credible, and risk gravely undermining the credibility of the Assembly, as well as the Council of Europe as a whole. It is essential that these allegations are investigated thoroughly and impartially. Calls and recommendations for independent investigation into these allegations put forward by ESI have been echoed by many civil society actors, including Amnesty International,<sup>3</sup> Transparency International,<sup>4</sup> and a group of 60 members of Azerbaijani civil society actors and 20 international NGOs.<sup>5</sup>

We welcome the decision of the PACE Bureau on 27 January 2017 to set up an independent investigation body to shed light on hidden practices that favour corruption.<sup>6</sup> The Bureau has 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.

On 3 March, Wojciech Sawicki, PACE Secretary General, presented the Assembly Bureau with a draft terms of reference for the external and independent investigation at the Bureau meeting in Madrid. The proposal is credible, defining a wide mandate and competences and including strong guarantees for the independence of the investigation and safeguards against non-compliance with its work.<sup>7</sup>

Unfortunately, the proposal was met with resistance at the meeting, and no agreement was made on its substance. The proposal was further discussed at a meeting of the heads of the PACE Parliamentary groups on 28 March in St Petersburg: again, no consensus was reached on its content, and whether it should be adopted.

A thorough investigation is essential to restore PACE's credibility and allow it to effectively address human rights violations across the Council of Europe, including in Azerbaijan. The chairman of Azerbaijani NGO the Institute for Reporters Freedom and Safety, Mehman Huseynov is already facing reprisals for raising the corruption allegations during the January PACE session. A day after his NGO sent a letter about the corruption allegations to PACE members in January, he was abducted and tortured by police and later sentenced for 2 years on defamation charges for allegedly making false allegations about torture.<sup>8</sup> For PACE to be in a position to respond to such violations, it must be seen as independent and not under the influence of states wishing to influence their conduct.

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<sup>3</sup> 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/>.

<sup>4</sup> 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>5</sup> Letter to the Members of the Parliamentary Assembly of the Council of Europe (PACE). 16 January 2017. <https://www.irfs.org/news-feed/letter-to-the-members-of-the-parliamentary-assembly-of-the-coe-pace/>

<sup>6</sup> Corruption allegations at PACE: Bureau decides on three-step response

Available at <http://assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=6514&lang=2&cat=13>

<sup>7</sup> A synopsis of the memorandum can be found here: European Stability Initiative, "The Biggest Scandal" The Sawicki Memorandum and the way forward for the Council of Europe Discussion Paper 27 March 2017 <http://www.esiweb.org/pdf/ESI%20-%20The%20Biggest%20Scandal%20-%2027%20March%202017.pdf>.

<sup>8</sup> Azerbaijan: Crackdown on free expression accelerates with conviction of prominent blogger. 24 NGOs condemn today's sentencing of Mehman Huseynov, call for end to crackdown on press freedom in Azerbaijan. 03.03.2017, <https://www.irfs.org/news-feed/azerbaijan-crackdown-on-free-expression-accelerates-with-conviction-of-prominent-blogger/>.

We call upon members of the PACE Bureau to commit to the Sawicki proposal and to call for a full plenary debate on the proposal at the April session of PACE. We also call on the PACE Bureau to include a mechanism of civil society oversight of the investigation to ensure its full independence and impartiality.

We call upon all Members of the Assembly to support in the strongest possible terms an independent, external and thorough investigation. This can be done by signing a written Declaration on the Parliamentary Assembly Integrity introduced on 25 January 2017 by PACE members Pieter Omtzigt (The Netherlands, Christian Democrat), and Frank Schwabe (Germany, Social Democrat) urging the PACE President Pedro Agramunt (Spain, EPP) to launch a “deep, thorough investigation by an independent panel” that makes its findings public.<sup>9</sup> More than one fifth of the Assembly members have joined the declaration. More voices in support of the Assembly integrity are needed. Moreover, PACE members must insist on their right to discuss the Sawicki proposal at the April session of the Assembly, to ensure that PACE has the mechanisms in place to adequately deal with corruption allegations.

We call on the Secretary General of the Council of Europe Thorbjorn Jagland to make a very strong statement to affirm that there will be no tolerance of any corruption, including bribery, trading in influence or taking up of roles that imply a conflict of interest, in the Parliamentary Assembly and the Council of Europe in general.

Commitment to the rule of law, integrity, transparency, and public accountability should be effectively enforced as the key principles of the work of the Parliamentary Assembly. If such a decision is not made now, reputational damage to PACE may become irreparable, preventing PACE from fulfilling its role as a guardian of human rights across the Council of Europe region.

**Signatures:**

1. The Netherlands Helsinki Committee
2. International Partnership for Human Rights (Belgium)
3. Centre for the Development of Democracy and Human Rights (Russia)
4. Freedom Files (Russia/Poland)
5. Norwegian Helsinki Committee
6. Ukrainian Helsinki Human Rights Union
7. Analytical Center for Interethnic Cooperation and Consultations (Georgia)
8. Article 19 (UK)
9. The Barys Zvozkau Belarusian Human Rights House (Belarus/Lithuania)
10. Index on Censorship (UK)
11. Human Rights House Foundation (Norway)
12. Human Rights Movement “Bir Duino-Kyrgyzstan”
13. PEN International (UK)

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<sup>9</sup> Written Declaration No. 624 on the Parliamentary Assembly Integrity, Prepared by Pieter Omtzigt (EPP/CD, Netherlands), available at <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=23448&lang=en>

14. Crude Accountability (USA)
15. Legal Transformation Center (Belarus)
16. Bulgarian Helsinki Committee
17. World Organisation Against Torture (OMCT) (Switzerland)
18. The Kazakhstan International Bureau for Human Rights and the Rule of Law
19. Belarusian Helsinki Committee
20. Center for Civil Liberties (Ukraine)
21. Promo LEX (Moldova)
22. Libereco – Partnership for Human Rights (Germany/Switzerland)
23. Public Association “Dignity” (Kazakhstan)
24. Human Rights Monitoring Institute (Lithuania)
25. Swiss Helsinki Committee
26. Human Rights Information Center (Ukraine)
27. Public Verdict Foundation (Russia)
28. Albanian Helsinki Committee
29. Kharkiv Regional Foundation “Public Alternative” (Ukraine)
30. Helsinki Foundation for Human Rights (Poland)
31. Women of Don (Russia)
32. DRA - German-Russian Exchange (Germany)
33. Association UMDPL (Ukraine)
34. European Stability Initiative (Germany)
35. International Media Support (IMS) (Denmark)
36. Civil Rights Defenders (Sweden)
37. International Federation for Human Rights (FIDH) (France)
38. Sova Center for Information and Analysis (Russia)
39. Kosova Centre for Rehabilitation of Torture Victims (Kosovo)
40. Truth Hounds (Ukraine)
41. People in Need Foundation (Czech Republic)
42. Eastern Partnership Civil Society Forum (Belgium)
43. Macedonian Helsinki Committee
44. International Youth Human Rights Movement
45. Human Rights First (USA)
46. Regional Center for Strategic Studies (Georgia/Azerbaijan)
47. Human Rights Club (Azerbaijan)
48. Institute for Reporters Freedom and Safety (IRFS) (Azerbaijan)
49. Media Rights Institute (Azerbaijan)
50. Public Association for Assistance to Free Economy (Azerbaijan)
51. Institute for Peace and Democracy (Netherlands/Azerbaijan)
52. Turan News Agency (Azerbaijan)
53. Democracy and NGO development Resource Center (Azerbaijan)
54. Youth Atlantic Treaty Association (Azerbaijan)
55. Monitoring Centre for Political Prisoners (Azerbaijan)
56. Azerbaijan without Political Prisoners (Azerbaijan)