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Sent via E-mail: pedro.agramunt@senado.es

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Responses to serious allegations of corruption in the Council of Europe

Dear Mr Agramunt Font de Mora,

Transparency International has long cooperated on the anti-corruption agenda with GRECO and in 2014 welcomed the establishment of the anti-corruption platform of the Parliamentary Assembly (PACE), which serves among others to enable parliamentarians to press "for speedy action to promote Council of Europe instruments and standards, and to implement the recommendations of GRECO".

When we deal with governments, we often refer to the Criminal Law Convention on Corruption, which requires states to provide for "effective, proportionate and dissuasive sanctions and measures" in cases of active and passive bribery of domestic and foreign public officials; active and passive bribery of national and foreign parliamentarians and of members of international parliamentary assemblies.

Obviously this applies in particular to corrupt practices in the Council of Europe and the PACE itself. The Code of Conduct for Members of the Parliamentary Assembly prescribes integrity and honesty in carrying out the duties of the members of PACE and prohibits use of their public office for their, or anyone else's, private gain.

We therefore expect a strong response to allegations recently reported by the European Stability Initiative in its report 'The European Swamp (Caviar Diplomacy Part 2) – Prosecutors, corruption and the Council of Europe', that some member states of the Council of Europe have unduly influenced, over many years, activities and votes on human rights issues at the Council of Europe, including by allegedly transferring huge sums of money and other favours to key officials.

Transparency International is dismayed by the apparent lack of effective governance mechanisms to handle such corruption allegations at the PACE, currently leaving any investigation into breaches of the Code of Conduct and follow-up completely to the discretion of the President of the Assembly, and under full control of parliamentarians. Given the scope and seriousness of these recent allegations we recommend setting up an independent, non-partisan corruption investigation mechanism as we explain below.

We call on you to take the following concrete steps:

- i. Release a strong public statement affirming that there can be no place for corruption in the Council of Europe, that the recent admission by a former senior member of PACE

that he had received huge sums of money from another PACE member is deeply worrying, and that serious violations of the PACE Code of Conduct and the principles of the Criminal Law Convention on Corruption will serious consequences.

- ii. Call for 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 at the time and since then, in particular the roles of Elkhan Suleymanov and Muslum Mammadov.

Support the establishment of a special integrity framework in line with best international standards in PACE to ensure adherence to high ethical standards by its members. Contrary to what GRECO and PACE have demanded from member state parliaments and from international bodies such as FIFA, there is no such mechanism in place in PACE. A special integrity framework, including an independent office of Council of Europe ethics with investigators answering to an independent board would be a useful solution to this governance vacuum. Such investigators should have the authority to look into any instances where there is a substantial reason to believe that a violation of the Code of Conduct occurred. The proposed ethics office should inform both the Bureau of the Assembly and the public of the results of such investigations.

- iii. It is very important to restore the credibility of the Council of Europe and turn it again into a leading force working towards a Europe without political prisoners. The alleged corruption involving Mr. Luca Volonte and Mr. Elkhan Suleymanov has undermined the perception that PACE's work on this issue is credible. It is crucial to develop a robust response of integrity on the issue of political prisoners. In October 2012 the Parliamentary Assembly adopted a definition of political prisoners developed by leading European human rights lawyers working for the Council of Europe in 2001. It is time to put this to use by examining cases of alleged political imprisonment and, where confirmed, marshalling the full voice of the PACE in demanding their release under threat of consequences in cases of non-compliance.

We thank you for your consideration and look forward to supporting all efforts to restore the prestige and power of the Council of Europe.

Kind regards,



Cobus de Swardt
Managing Director

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