



Resolution 2216 (2018)¹

Provisional version

Follow-up to the report of the Independent Investigation Body on the allegations of corruption within the Parliamentary Assembly

Parliamentary Assembly

1. In January 2017, the Parliamentary Assembly took a firm step in response to the allegations of corruption and fostering of interests against members or former members of the Assembly, and put in place a strategy to promote the principles of integrity and transparency in its functioning and strengthen the duty of integrity of its members. In this connection, the Assembly draws attention to its [Resolution 2182 \(2017\)](#) “Follow-up to [Resolution 1903 \(2012\)](#): promoting and strengthening transparency, accountability and integrity of Parliamentary Assembly members”, which helped to improve its rules of conduct and in particular to make provisions related to conflicts of interest more consistent.
2. On 24 April 2017, the Assembly approved the terms of reference of an independent external body of investigation into allegations of corruption (IBAC), which was tasked with conducting a detailed independent investigation into the allegations of corruption and fostering of interests with a view to putting an end to impunity and restoring confidence in the Parliamentary Assembly, its activities and its decisions.
3. The Assembly took note of the report submitted by the IBAC, which was published on 22 April 2018. The allegations made by non-governmental organisations and by the media through reports, reporting or journalistic inquiries, which had until recently been criticised, challenged or denied, are now indisputable.
4. The Assembly expresses its sincere thanks to the members of the IBAC, Sir Nicolas Bratza, Mr Jean-Louis Bruguière and Ms Elisabet Fura, and to its secretariat, for their invaluable assistance to the Assembly during this critical period. It also pays tribute to their excellent work, which was carried out in difficult conditions, given the time constraints to which they were subjected and the specific and restricted scope of the investigation, as well as the fact that the IBAC could not be granted robust investigatory powers such as those of national parliamentary committees of inquiry and judicial authorities.
5. The Assembly therefore could not and did not expect the IBAC to provide proof in the judicial sense of any corrupt wrongdoings it became aware of, let alone of any criminal offences potentially involved. This is the task of the competent national authorities. The Assembly and its national delegations invite them to follow up the information provided by the IBAC. In this context, the Assembly stresses the need for all findings and other information contained in the IBAC report on the corrupt activities of certain countries to be duly followed up, without exception.
6. The Assembly believes that although the report deals principally with allegations and facts concerning Azerbaijan, similar practices have clearly also been used by the authorities and parliamentary delegations of other member States. The Assembly notes that the report presented by the IBAC gives grounds to hope that the image of integrity of the Assembly and the confidence in its some 600 other members can be restored, given that the allegations concern the conduct of only a few members or former members. The Assembly has

1. *Assembly debate* on 26 April 2018 (16th Sitting) (see [Doc. 14540](#), report of the Committee on Rules of Procedure, Immunities and Institutional Affairs, rapporteur: Ms Petra De Sutter; and [Doc. 14543](#), opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Ms Olena Sotnyk). *Text adopted by the Assembly* on 26 April 2018 (16th Sitting).

See also [Recommendation 2128 \(2018\)](#).



the vital support of a large number of upright and committed parliamentarians, who have been unfairly brought into disrepute on account of these allegations of corruption against a number of their peers. Nevertheless, the report uncovers practices of which few parliamentarians are unaware, but which they may have allowed to prosper for too long through their silence, their indifference or their passive complicity.

7. The Assembly, seeking to restore its credibility, has undertaken to establish an environment of zero tolerance of corruption and of any practice which may leave any doubt as to a possible conflict of interests; it is up to its members to ensure that this is achieved, without compromise.

8. In the context of its terms of reference, the IBAC was asked not only to review and update the conduct and practices which are incompatible with the rules of conduct of the Assembly, but also to make recommendations with regard to the measures required to address any weaknesses and shortcomings in those rules. The Assembly takes note of the IBAC's recommendations concerning its methods of functioning and its procedures. It notes that the report mentions problems in the appointment of the members of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) and of the Committee on Rules of Procedure, Immunities and Institutional Affairs, as well as in the appointment of rapporteurs.

9. The report identifies three former members of the Assembly who "engaged in activity of a corruptive nature" and "seriously breached the Code of Conduct of members of the Parliamentary Assembly". The report also refers to the use of financial means and corruptive activities in influencing the Assembly's work concerning Azerbaijan, and mentions the names of former members who have taken part in lobbying activities in the Assembly, in breach of the Code of Conduct.

10. The report also reveals a number of cases of breach of some of the provisions of the Code of Conduct for Assembly rapporteurs and/or the Code of Conduct for members of the Parliamentary Assembly by members or former members of the Assembly.

11. Moreover, the IBAC has drawn up a list of members and honorary members of the Assembly who refused to co-operate in the investigation. This is a serious matter and must be further investigated by the Committee on Rules of Procedure, Immunities and Institutional Affairs.

12. The Assembly believes that the conclusions of the IBAC with regard to the individual conduct of members of the Assembly mentioned in the report require action. It points out that the Code of Conduct which it revised in October 2017 establishes a precise and detailed procedure, including respect for the principle of adversarial proceedings and the rights of the defence, with which it intends to comply in the action it takes in response to these conclusions.

13. In response to the IBAC's report and with regard to the general recommendations and conclusions set out therein, the Assembly:

13.1. urges the political groups of the Assembly to review their practices, in particular their position and decisions with regard to appointments to the Monitoring Committee and the Committee on Rules of Procedure, Immunities and Institutional Affairs, and to the Committee on the Election of Judges to the European Court of Human Rights, as well as to ad hoc committees for the observation of elections, when putting forward candidatures for posts of rapporteur, or in elections of the bureaux of committees or sub-committees;

13.2. instructs the Committee on Rules of Procedure, Immunities and Institutional Affairs to implement the changes that must be made to the Rules of Procedure and to the integrity framework of the Assembly, bearing in mind the need for transparency and accountability;

13.3. particularly notes that the protection of the identity of members of staff giving evidence to further enquiries must be assured.

14. With regard to the recommendations and conclusions concerning the individual conduct of members or former members, the Assembly:

14.1. recalls the principle of individual political responsibility, including the possibility for those elected to relinquish their mandates;

14.2. invites the political groups of the Assembly, as well as the political groups within the national parliaments, to each draw the consequences of any allegations against their members;

14.3. invites the national parliaments of member States, and their national delegations to the Parliamentary Assembly, as well as the national governments, to examine the IBAC's report and to take the necessary measures in respect of the cases mentioned, which require their full attention, and report back to the Assembly by the end of 2018;

14.4. instructs the Committee on Rules of Procedure, Immunities and Institutional Affairs to implement, as soon as possible, the procedure provided for in paragraphs 20 et seq. of the Code of Conduct of members of the Parliamentary Assembly in respect of the members mentioned in the report, including those who have refused to co-operate with the IBAC, bearing in mind that it falls within the committee's remit to assess the degree of seriousness of alleged breaches of the Code of Conduct in respect of each member concerned.

15. The Assembly calls on the European Parliament and the parliamentary assemblies of other international organisations, in particular the Parliamentary Assembly of the Organization for Security and Co-operation in Europe (OSCE), to follow the example of the Parliamentary Assembly and to draw on the recommendations of the IBAC.

16. Neither the measures taken nor any future measures concerning the examination of individual cases nor subsequent changes to rules and regulations must become the sole focus of debate. The Assembly must use this opportunity to make a fresh start and give all necessary follow-up to any allegations of wrongdoings; it requires a complete overhaul: and that calls for a profound and real change in parliamentary attitudes and practices. The Assembly therefore urges its members to put the interests of the 825 million European citizens they represent above any private interests, so as to restore the full political credibility of the Assembly, in strict compliance with the principles and values on which the Council of Europe was founded, in a period when the Council of Europe has a greater need of a strong parliamentary body than ever before.