



**Doc. 14540 – Compendium of written amendments**  
25/04/2018

**(Final version)**

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

<b>Contents</b>	<b>Page</b>
A. Draft Resolution .....	2
B. Draft Recommendation .....	9

## A. Draft Resolution

1. In January 2017, the Parliamentary Assembly took a courageous step in response to the allegations of corruption and fostering of interests against members or former members of the Assembly, and put in place an overall strategy to firmly 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

### Amendment 11

(If adopted, amendment 2 falls)

**Tabled by Sir Roger GALE, Dame Cheryl GILLAN, Lord David BLENCATHRA, Mr John HOWELL, Mr Alfred HEER, Mr Damien THIÉRY, Mr Piet De BRUYN, Mr Oleksii GONCHARENKO**

*In the draft resolution, paragraph 1, first sentence, delete the following words: "took a courageous step".*

### Amendment 2

(Falls if amendment 11 is adopted)

**Tabled by Mr Mart van de VEN, Ms Reina de BRUIJN-WEZEMAN, Mr Alfred HEER, Ms Olena SOTNYK, Ms Ria OOMEN-RUIJTEN, Ms Anne BRASSEUR, Mr Pieter OMTZIGT**

*In the draft resolution, paragraph 1, first sentence, replace the word "courageous" with the word "firm".*

### Amendment 12

**Tabled by Sir Roger GALE, Dame Cheryl GILLAN, Lord David BLENCATHRA, Mr John HOWELL, Mr Alfred HEER, Mr Damien THIÉRY, Mr Oleksii GONCHARENKO, Mr Giorgi KANDELAKI**

*In the draft resolution, paragraph 1, first sentence, replace the words "an overall strategy to firmly promote" with the following words: "a strategy to promote".*

### Amendment 13

**Tabled by Sir Roger GALE, Dame Cheryl GILLAN, Lord David BLENCATHRA, Mr John HOWELL, Mr Alfred HEER, Mr Damien**

constraints to which they were subjected and the specific and restricted scope of the investigation.

**THIÉRY, Mr Oleksii GONCHARENKO, Mr Giorgi KANDELAKI**

*In the draft resolution, paragraph 4, second sentence, delete the following word: "excellent".*

**Amendment 4**  
**Tabled by the Committee on Legal Affairs and Human Rights**

*In the draft resolution, at the end of paragraph 4, insert the following words: "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".*

**Amendment 5**  
**Tabled by the Committee on Legal Affairs and Human Rights**

*In the draft resolution, after paragraph 4, insert the following paragraph:*

*"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 offenses potentially involved. This is the task of the competent national authorities, whom the Assembly and its national delegations invite 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."*

**Amendment 6**  
(If adopted, amendment 14 falls)  
**Tabled by the Committee on Legal Affairs and Human Rights**

*In the draft resolution, paragraph 5, first sentence, replace the words "probably also existed in relations with", with the following words: "clearly also been used by".*

**Amendment 14**  
(Falls if amendment 6 is adopted)  
**Tabled by Sir Roger GALE, Dame Cheryl GILLAN, Lord David BLENCATHRA, Mr John HOWELL, Mr Alfred HEER, Mr Damien THIÉRY, Mr Piet De BRUYN, Mr Oleksii GONCHARENKO, Mr Giorgi KANDELAKI**

*In the draft resolution, paragraph 5, first sentence, delete the following word: "probably".*

5. The Assembly believes that although the report deals principally with allegations and facts concerning Azerbaijan, similar practices have probably also existed in relations with the authorities and parliamentary delegations of other member States. The Assembly notes with satisfaction 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 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.

6. 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.
  
7. 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.

**Amendment 15**

**Tabled by Sir Roger GALE, Dame Cheryl GILLAN, Lord David BLENCATHRA, Mr John HOWELL, Mr Alfred HEER, Mr Damien THIÉRY, Mr Piet De BRUYN, Mr Oleksii GONCHARENKO, Mr Giorgi KANDELAKI**

*In the draft resolution, paragraph 5, delete the second sentence.*

**Amendment 16**

**Tabled by Sir Roger GALE, Dame Cheryl GILLAN, Lord David BLENCATHRA, Mr John HOWELL, Mr Alfred HEER, Mr Damien THIÉRY, Mr Oleksii GONCHARENKO**

*In the draft resolution, paragraph 5, delete the third sentence.*

**Amendment 17**

**Tabled by Sir Roger GALE, Dame Cheryl GILLAN, Lord David BLENCATHRA, Mr John HOWELL, Mr Alfred HEER, Mr Damien THIÉRY, Mr Piet De BRUYN, Mr Oleksii GONCHARENKO, Mr Giorgi KANDELAKI**

*In the draft resolution, paragraph 5, replace the fourth sentence with the following sentence: "Nevertheless, the report reveals practices of which few parliamentarians have been unaware, but which have been allowed to prosper for too long through our silence, our indifference or our failure to take remedial action."*

**Amendment 18**

**Tabled by Sir Roger GALE, Dame Cheryl GILLAN, Lord David BLENCATHRA, Mr John HOWELL, Mr Alfred HEER, Mr Damien THIÉRY**

*In the draft resolution, paragraph 6, delete the words: ", seeking to restore its credibility,".*

8. 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.
9. 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.
10. Moreover, the IBAC has drawn up a list of members and honorary members of the Assembly who refused to co-operate in the investigation.
11. 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 serious consideration. 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.

**Amendment 19**

**Tabled by Sir Roger GALE, Dame Cheryl GILLAN, Lord David BLENCATHRA, Mr John HOWELL, Mr Alfred HEER, Mr Damien THIÉRY, Mr Giorgi KANDELAKI**

*In the draft resolution, paragraph 8, second sentence, delete the words: "concerning Azerbaijan".*

**Amendment 20**

**Tabled by Sir Roger GALE, Dame Cheryl GILLAN, Lord David BLENCATHRA, Mr John HOWELL, Mr Alfred HEER, Mr Damien THIÉRY, Mr Frank SCHWABE, Mr Piet De BRUYN, Mr Oleksii GONCHARENKO, Mr Giorgi KANDELAKI**

*In the draft resolution, at the end of paragraph 10, insert the following sentence: "This is a serious matter and must be further investigated by the Rules Committee."*

**Amendment 21**

**Tabled by Sir Roger GALE, Dame Cheryl GILLAN, Lord David BLENCATHRA, Mr John HOWELL, Mr Alfred HEER, Mr Damien THIÉRY, Mr Piet De BRUYN, Mr Giorgi KANDELAKI**

*In the draft resolution, at the end of paragraph 10, insert the following sentence: "The Assembly notes with concern however, that notwithstanding evidence given by members of the staff of the Assembly, there are significant omissions from the list and those identified as having engaged in malpractice."*

**Amendment 22**

**Tabled by Sir Roger GALE, Dame Cheryl GILLAN, Lord David BLENCATHRA, Mr John HOWELL, Mr Alfred HEER, Mr Damien THIÉRY, Mr Piet De BRUYN, Mr Oleksii GONCHARENKO, Mr Giorgi KANDELAKI**

*In the draft resolution, paragraph 11, first sentence, replace the words "require serious consideration" with the following words: "requires action".*

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

12.1. invites the political groups of the Assembly to draw the consequences from the standpoint of 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;

12.2. instructs the Committee on Rules of Procedure, Immunities and Institutional Affairs to give thought to the changes that must be made to the Rules of Procedure and to the integrity framework of the Assembly;

**Amendment 7**  
**Tabled by the Committee on Legal Affairs and Human Rights**

*In the draft resolution, paragraph 12, after the words "the Assembly", insert the following words: ", recalling the principle of individual political responsibility, including the possibility for those elected to relinquish their mandates,".*

**Amendment 23**  
**Tabled by Sir Roger GALE, Dame Cheryl GILLAN, Lord David BLENCATHRA, Mr John HOWELL, Mr Alfred HEER, Mr Damien THIÉRY, Mr Piet De BRUYN, Mr Oleksii GONCHARENKO**

*In the draft resolution, paragraph 12.1, replace the words "invites the political groups of the Assembly to draw the consequences from the standpoint of their practices" with the following words: "urges the political groups of the Assembly to review their practices".*

**Amendment 8**  
(If adopted, amendment 24 falls)  
**Tabled by the Committee on Legal Affairs and Human Rights**

*In the draft resolution, paragraph 12.2, replace the words "give thought to the changes that must be made to the Rules of Procedure and to the integrity framework of the Assembly;" with the following words: "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;".*

**Amendment 24**  
(Falls if amendment 8 is adopted)  
**Tabled by Sir Roger GALE, Dame Cheryl GILLAN, Lord David BLENCATHRA, Mr John HOWELL, Mr Alfred HEER, Mr Damien THIÉRY, Mr Piet De BRUYN, Mr Giorgi KANDELAKI**

*In the draft resolution, paragraph 12.2, replace the words "to give thought to the changes" with the following words: "propose changes".*

**Amendment 25**  
**Tabled by Sir Roger GALE, Dame Cheryl GILLAN, Lord David BLENCATHRA, Mr John HOWELL, Mr Alfred HEER, Mr Damien**

**THIÉRY, Mr Piet De BRUYN, Mr Giorgi KANDELAKI**

*In the draft resolution, after paragraph 12.2, insert the following paragraph:*

*"particularly notes that the protection of the identity of members of staff giving evidence to further enquiries must be assured;"*

13. With regard to the recommendations and conclusions concerning the individual conduct of members or former members, the Assembly:
- 13.1. 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;

**Amendment 3**

**Tabled by Mr Mart van de VEN, Ms Reina de BRUIJN-WEZEMAN, Mr Alfred HEER, Ms Olena SOTNYK, Ms Ria OOMEN-RUIJTEN, Ms Anne BRASSEUR, Mr Pieter OMTZIGT**

*In the draft resolution, before paragraph 13.1, insert the following paragraph:*

*"invites individuals elected in any position in the Council of Europe to recognise and assume their personal responsibilities on behalf of the Assembly, which could ultimately entail stepping down;"*

**Amendment 26**

**Tabled by Sir Roger GALE, Dame Cheryl GILLAN, Lord David BLENCATHRA, Mr John HOWELL, Mr Alfred HEER, Mr Damien THIÉRY, Mr Frank SCHWABE, Mr Piet De BRUYN, Mr Oleksii GONCHARENKO, Mr Giorgi KANDELAKI**

*In the draft resolution, replace paragraph 13.1 with the following paragraph:*

*"instructs the political groups of the Assembly and national delegations to review all allegations against their members and to report their findings to the Rules Committee within six months;"*

- 13.2. 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;
- 13.3. 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

**Amendment 9**

**Tabled by the Committee on Legal Affairs and Human Rights**

*In the draft resolution, at the end of paragraph 13.2, insert the following words: ", and report back to the Assembly by the end of 2018."*

seriousness of alleged breaches of the Code of Conduct in respect of each member concerned.

14. 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.
15. 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 cannot stop halfway; 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 legitimacy of the Assembly, in a period when the Council of Europe has a greater need of a strong parliamentary body than ever before.

**Amendment 10**  
**Tabled by the Committee on Legal Affairs**  
**and Human Rights**

*In the draft resolution, paragraph 15, second sentence, replace the words "cannot stop halfway" with the following words: "must use this opportunity to make a fresh start and give all necessary follow-up to any allegations of wrongdoings".*

**Amendment 1**  
**Tabled by Mr Serhii KIRAL, Mr Oleksii**  
**GONCHARENKO, Mr Leonid YEMETS, Ms**  
**Iryna GERASHCHENKO, Ms Olena SOTNYK,**  
**Mr Sergiy VLASENKO, Mr Serhii SOBOLIEV,**  
**Mr Kostiantyn USOV**

*In the draft resolution, paragraph 15, third sentence, after the words "to restore the full political legitimacy of the Assembly", insert the following words: "in strict compliance with the principles and values on which the Council of Europe was founded".*

## B. Draft Recommendation

1. With reference to Resolution .... (2018) on follow-up to the report of the Independent Investigation Body on the allegations of corruption within the Parliamentary Assembly, the Parliamentary Assembly affirms its determination to promote an atmosphere of zero tolerance towards corruption and to fully recover its institutional and political credibility within the Council of Europe. It recalls the decisions it has taken to deal with the allegations of corruption and fostering of interests made against some of its members or former members, which have led it to improve its integrity and transparency framework.
2. On 22 April 2018, the Independent External Investigation Body on allegations of corruption (IBAC), set up a year earlier on the Assembly's initiative to conduct a detailed independent investigation into the allegations of corruption and fostering of interests, delivered its report.
3. As the Investigation Body acknowledges, "the Parliamentary Assembly is to be commended for its courage in reacting to these allegations and making clear its determination not to tolerate corruption within its ranks. It has done so not only by inviting GRECO [the Group of States against Corruption] to assess and recommend improvements to the regulatory framework governing the conduct of members of the Assembly but by responding to the call, made both inside and outside the institution itself, for an independent investigation of the allegations of corruption and other forms of unethical conduct. In doing so, it has set an example to other national and international institutions confronted with similar grave challenges" (report of the Independent Investigation Body on the allegations of corruption within the Parliamentary Assembly, paragraph 759).
4. The Assembly intends to draw all the necessary consequences, on all levels, from the recommendations and conclusions of the Investigation Body's report, be they the recommendations aimed at improving its general operating framework and at remedying shortcomings in the transparency of parliamentary procedures, or the conclusions criticising the conduct of some members or former members of the Assembly who had conflicts of interest and breached the Assembly's rules of conduct.
5. The Assembly nevertheless notes that, although the Investigation Body cannot provide proof of the existence of a co-ordinated network of corruption within the Assembly, the failings of some members and former members clearly involve corrupt practices extending far beyond the scope of the Parliamentary Assembly itself and, indeed, the parliamentary environment itself: they were only possible, and might still persist, as a result of the direct involvement, the active support or, at the very least, the culpable abstention of governments of Council of Europe member States. The Assembly deplores this behaviour and invites them to take appropriate action.
6. The Assembly therefore invites the Committee of Ministers to take due stock of the steps taken by the Assembly since January 2017 and to support it in its

efforts. "The fight against corruption ... is not one for the Assembly alone", as the Investigation Body stresses.