

# **THE EUROPEAN SWAMP**

**(CAVIAR DIPLOMACY Part 2)**

**Prosecutors, corruption and the Council of Europe**



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### Cast of characters



*Elkhan Suleymanov (member, PACE) and Luca Volonte (former member, PACE)*



*Muslum Mammadov (member, PACE) – Pedro Agramunt (president, PACE)*



*Thorbjorn Jagland (secretary general, Council of Europe) – Christoph Strasser (former rapporteur on political prisoners, PACE)*

### **Paying the price of betrayal**



*Ilgar Mammadov (politician, arrested in February 2013) – Khadija Ismailova (journalist, arrested in December 2014)*



*Anar Mammadli (human rights activist, arrested in December 2013)*

## Human rights for sale

Can basic international norms be undermined by corruption? Can international politics be fundamentally reshaped by the personal greed of politicians? These are among the most important questions in global politics today. When it comes to the Council of Europe, guardian of the European Convention of Human Rights and, since its creation in 1949, the leading intergovernmental human rights institution in the world, the answer to both questions is yes.

In recent years, the leaders of Azerbaijan, a small autocracy in the Caucasus, have shown how easy it is to undermine core human rights standards and bend a formerly proud institution to its will. They have done so in close cooperation with Russia, and with the active support of elected politicians from across Europe, including from some of its oldest democracies. In the process, they filled a rolodex with names of politicians across the continent who have something to hide and can be blackmailed in the future. Nobody should have illusions that these methods are restricted to the Council of Europe. Nobody should assume that it is only Azerbaijan that is exploiting the greed of politicians. And it is not only the massive corruption that should worry us.

Azerbaijan's actions have been met with almost complete silence from national parliaments, governments and political parties. Human rights NGOs often feel that corruption of human rights institutions is not their primary concern. Serious media struggle to tell a gripping story about the internal politics of international institutions. In fact, it should not be hard: what we witness in Europe today is a methodical assault on human rights and the institutions set up to protect them – an epic struggle of values and a steady erosion of basic norms. It is a story, however, that still waits to be told, and the effort to take back captured institutions is still waiting for politicians to lead it.

In 2012 ESI published “Caviar Diplomacy – How Azerbaijan silenced the Council of Europe” to sound an alarm. The official reaction was disappointing. The report was covered by international media and the term “caviar diplomacy” began to be widely used. Some concerned officials in the Council of Europe reached out to us to confirm that things were, indeed, as bad as we had described them. But there things stopped. The reaction of Azerbaijani officials was neither alarm nor outrage, but amused indifference. “Some of us laughed”, one senior diplomat told ESI later: “There was a feeling at the time that we can buy anything.” Seeing their illicit efforts described without consequence only added to their sense of impunity.

At the time, Azerbaijan's lobbyists were busy preparing for their biggest coup – to combine Baku's chairmanship of the Council of Europe's Committee of Ministers in 2014 with the imprisonment of their most prominent domestic critics. Caviar diplomacy went into overdrive. Expensive carpets worth thousands of euros were given away as gifts; so many that one Azerbaijani embassy had its own room for them.<sup>1</sup> Luxury *Vertu* smart phones, handmade in the UK, were presented to supporters. Expensive watches and jewellery, silver sets and MacBooks were handed over to politicians, officials, even secretaries. Business contracts and paid holidays were part of the benefits, as were prostitutes.<sup>2</sup> And then there was money: large sums, given in

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<sup>1</sup> In September 2015 a French documentary aired France 2 – Cash Investigation, “[Mon président est en voyage d'affaires](#)” – explores Caviar Diplomacy, with a focus on France. In the film the mayor of Cognac allows a French journalist to take the carpet given to him in Azerbaijan to an expert for valuation. Its value is between 6,000 and 8,000 €.

<sup>2</sup> The latter often led to pictures of foreign visitors in compromising positions, another element of this KGB-style “diplomacy.”



cash or transferred via anonymous companies. And while the campaign was in full swing, Azerbaijani politicians attacked anyone who drew attention to their activities.

In October 2012, the regime's chief lobbyist in Europe, Elkhan Suleymanov, a member of the Parliamentary Assembly of the Council of Europe (PACE), wrote an open letter to the Council of Europe's Secretary General, Thorbjorn Jagland, and to members of PACE, complaining that Jagland had referred indirectly to the ESI report in a press conference. As Suleymanov put it:

“The Secretary General of the Council of Europe used some regretful [*he probably meant regrettable*] expressions when answering the question of a journalist during a press conference organized by him on October 4th, including ‘Azerbaijani caviar is a threat to the independence of PACE’, ‘If it is true that the members of the Azerbaijani Delegation to PACE bribed their colleagues with black caviar, then it is absolutely unacceptable.’”

Suleymanov feigned outrage:

“I think putting forward such superficial and baseless accusations against Azerbaijan is unacceptable, and the utterance of these perceptions against any member state by the Secretary General of the Council of Europe is regrettable. It further compounds doubts about his neutrality as the highest authority of the Council of Europe ... Why does the European Stability Initiative always come to the agenda at the last moment ... with seemingly the only goal to discredit Azerbaijan as a member state, without any ground or proof, right before a vote?”<sup>3</sup>

For as long as the only cost of corruption in the Council of Europe was the institution's failure to speak out about the imprisonment of Azerbaijani journalists, dissidents and youth activists, most leaders of European governments felt that it was not a matter of deep concern. “Of course, Azerbaijan is corrupt”, we were told, when urging a stronger reaction; and “Yes, the Council of Europe is useless.” Others would add: “But what did you expect?” Caviar, bribes, a dynastic family in Baku: it all seemed just an exotic story about a small and distant country capturing an institution without real power. Yet the failure in Strasbourg to hold the line on core European values has now come to haunt European politics. Its consequences can be seen in the growing confidence of autocrats, the increasing ruthlessness of their methods and the widespread retreat of liberal politics. The ease with which democratic institutions and safeguards can be undermined has emerged as a fundamental threat to European democracy.

In this follow-up to *Caviar Diplomacy*,<sup>4</sup> we take a closer look, four years later, at the progress that has been made on miring the Council of Europe in a swamp of corruption. This time we provide the names of members of the parliamentary assembly who paid bribes – including Elkhan Suleymanov, the mastermind behind this policy in Strasbourg. We describe in detail how the corruption of MPs proceeded, from early visits with precious gifts meant to test the

<sup>3</sup> News.Az, “[Elkhan Suleymanov addresses Thorbjorn Jagland, Jean-Claude Mignon, PACE members](#)”, 11 October 2012.

<sup>4</sup> We have since produced many more publications on the crisis in the Council of Europe. “[Caviar Diplomacy. How Azerbaijan silenced the Council of Europe](#)”, 24 May 2012; “[A Portrait of Deception. Monitoring Azerbaijan or why Pedro Agramunt should resign](#)”, 22 January 2013; “[Showdown in Strasbourg. The political prisoner debate in October 2012](#)”, 15 February 2013; “[Azerbaijan debacle: The PACE debate on 23 January 2013](#)”, 21 February 2013; “[Disgraced. Azerbaijan and the end of election monitoring as we know it](#)”, 5 November 2013; ESI, “[A unified list of political prisoners in Azerbaijan](#)” (cases identified by a working group led by Rasul Jafarov), 26 November 2016. See also ESI website “[Caviar Diplomacy, Prosecutors, corruption and the Council of Europe](#)” and Gerald Knaus, “[The End of Shame](#)”, *Journal of Democracy*, July 2015.

beneficiaries' reactions, to long-term contracts involving huge sums of money.<sup>5</sup> In the third part in this series we will offer specific recommendations for what to do next.

### **Life in the swamp**

When ESI published “Caviar Diplomacy” on 24 May 2012, there was one city in Europe where the report was read with particular interest: Strasbourg, the seat of the Council of Europe. It described a reality familiar to many working there, something that began in 2001, the year Azerbaijan joined the organisation, and that gathered pace after Ilham Aliyev, who had been a vice-president of PACE, became president of Azerbaijan in 2003. Once the Baku-Tbilisi-Ceyhan oil pipeline was completed in 2005 and Azerbaijan's state coffers were awash in oil revenues, caviar diplomacy shifted into top gear. As Azerbaijani sources told ESI at the time, Baku had developed a strategy of ensuring its influence:

“Many deputies are regularly invited to Azerbaijan and generously paid. In a normal year, at least 30 to 40 would be invited, some of them repeatedly. People are invited to conferences, events, sometimes for summer vacations. These are real vacations and there are many expensive gifts. Gifts are mostly expensive silk carpets, gold and silver items, drinks, caviar and money.”<sup>6</sup>

On 25 May 2012, one day after ESI published its report, Denise O'Hara, Secretary of the European People's Party (EPP) group in PACE, wrote an email to the group's president, Italian Christian Democrat Luca Volonte. She expressed her alarm that “this Azeri lobby is getting out of hand.” Volonte wrote back to say that he had read the report, and was “surprised and saddened.” And yet, he stressed, there was no proof of corruption. He added that Russian gas interests or the Armenian lobby might have been behind the report. How could anybody *seriously* believe that Azerbaijan had set out to silence criticism in PACE?

In fact, Volonte was not surprised at all. Only one month before the ESI report was published, he had travelled on a private trip to Baku to negotiate with the regime what services he could offer. On 10 April 2012, he arrived in Baku to meet with Elkhan Suleymanov, a fellow member of PACE, and with Muslum Mammadov, Suleymanov's collaborator and “envelope carrier”, as one Azerbaijani described his role at the time (Mammadov became a full member of PACE in January 2016). In Baku, Volonte presented his ideas how to boost Azerbaijan's image in advance of its presidency of the Council's Committee of Ministers in May 2014.

This was not Volonte's first trip to Baku. His cosy relationship with the regime began during an earlier trip in July 2011. Upon his return, Volonte sent an effusive note to Suleymanov:

“Dear Elkhan, Thank you for everything!!! Thanks to you I have discovered a very interesting country, our friendship is certainly growing!! Thanks, your gifts are very tasty and very precious!!!”

Volonte was an experienced politician with many contacts. He was born in 1966 in Saronno, a small town in Lombardy close to Milan, which is known for its bitter-sweet almond-flavoured

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<sup>5</sup> ESI research on this issue took place over many years and took us to Azerbaijan, Belgium, France, Germany and Italy, talking to dozens of people committed to restoring the integrity of human rights monitoring. Many of them prefer to remain unnamed, and the conclusions in this report are ESI's but without their support this report could not have been written.

<sup>6</sup> ESI, [“Caviar Diplomacy – How Azerbaijan silenced the Council of Europe”](#), 24 May 2012, pp. 1-2.

liqueur, amaretto. As a young man, he joined an influential Italian Catholic lay movement, the Fraternity of Communion and Liberation.<sup>7</sup> He entered the Italian parliament in 1996 as a representative of a small Christian Democratic party supportive of Silvio Berlusconi's government. Between 2011 and 2013, he was one of Italy's full-time representatives in PACE, where he also led the EPP group, the largest group in the assembly. He remained an Italian parliamentarian until 2013.

In August 2012, Volonte offered Elkhan Suleymanov help with his contacts in the Vatican. It did not go well. The Heydar Aliyev Foundation, led by Azerbaijan's first lady, already had many contacts in Rome, and had concluded an agreement in 2012 to fund the restoration of the catacombs of Saint Marcellinus and Saint Peter.<sup>8</sup> At the opening of an exhibition on Azerbaijani culture on 14 November 2012, speakers praised the close contacts between Azerbaijan and the Vatican.<sup>9</sup> Volonte, who attended the opening, felt unappreciated. In the evening of 14 November, he sent an email to Suleymanov, complaining about the behavior of senior Azerbaijani officials who "did not even greet me. I looked like a fool in front of [Archbishop Salvatore Rino] Fisichella ... I do not understand the reason for this pointless humiliation ... There will be consequences for these official and political actions ... They don't consider me as a friend."

On 20 November, Suleymanov wrote back. Addressing Volonte as his "dearest friend", he noted:

"I am really saddened by these news ... I beg you to accept my apologies for all this. I understand very well that words alone cannot compensate for this offence. I have developed all relationships according to your proposal and efforts. I ensure you that I will inform the leadership and I will let you know as soon as possible. Your devoted friend Elkhan."

On 21 November, Volonte composed two documents with instructions for Muslum Mammadov, which police later found in his office. One included bank details of Volonte's personal foundation – called *Novae Terrae* (New Lands) – and a demand for €100,000. It also referred to a monthly stipend of €30,000 for Volonte to be paid half in cash "in €50 and €100 banknotes" and half through transfers to a bank account of the company LGV. A second document referred to €250,000 to be transferred to LGV, registered in Milan under the name of Volonte's wife. A few weeks earlier, Volonte had urged his accountant to set up this company (with his initials, Luca Giuseppe Volonte) as quickly as possible for the purpose of receiving money from Baku.

On 14 December 2012, the first transfer of €100,000 was made to the bank account of *Novae Terrae* Foundation, where it arrived three days later. On Christmas Eve 2012, another transfer of €220,000 was made to the bank account of LGV. The money came from two companies – Metastar Invest, registered in Birmingham, and Jetfield Network Limited, registered on the Marshall Islands, a chain of volcanic islands and coral atolls in the Pacific Ocean – and reached Italy via two banks in Estonia and Latvia. The purpose of the first transfer was described as "Fir consulting Service" (sic). This path was chosen to conceal the fact that these were payments from one PACE member (Elkhan Suleymanov) to another (Luca Volonte).

<sup>7</sup> See "[The Movement of Communion and Liberation](#)", Communion and Liberation Official site. See also *National Catholic Reporter*, "[Conservative Catholic group gripped by scandal](#)", 2 May 2012.

<sup>8</sup> Pontifical Council for Culture, "[The Treasure of Azerbaijan](#)".

<sup>9</sup> Heydar Aliyev Foundation, "[Treasures of Azerbaijan through the Wave of History](#)", 15 November 2012.

### “Your wish is my command”

Elkhan Suleymanov has long been a key player in Azerbaijan’s advocacy efforts in the Council of Europe. He became a substitute member of PACE in January 2011. The former secondary school teacher and culture ministry official in Soviet Azerbaijan had led the Association for Civil Society Development in Azerbaijan (ACSDA) since 2005. This association quickly became a key instrument of caviar diplomacy, organising conferences and inviting European politicians to Baku.

In 2011, Suleymanov published two books. One was about Azerbaijan’s relations with the Council of Europe, edited by a former German member of PACE, Eduard Lintner.<sup>10</sup> The second book focused on the issue of political prisoners. This became, from the outset, Suleymanov’s main focus in PACE. The very first meeting he attended in PACE in January 2011 was on this subject. The first interview he gave then was an attack on the rapporteur, German Social Democrat Christoph Strasser, appointed by the Legal Committee of PACE to report on political prisoners in Azerbaijan. Suleymanov warned: “I don’t see any reason to support the visit of any rapporteur to Azerbaijan until the PACE’s plenary meeting determines these criterions [*he probably meant: criteria*].”<sup>11</sup> During his time as rapporteur, Strasser applied three times for a visa to go to Azerbaijan and carry out his mandate. In an unprecedented snub of PACE monitoring, his request was refused every time.

In 2011, Suleymanov began to call on Volonte for his campaign against Strasser. On 21 November 2011, he sent him “files concerning the Strasser situation.” On 19 June 2012, Mammadov sent Volonte two reports drafted by Strasser: “The definition of political prisoners” and “Follow-up on the issue of political prisoners in Azerbaijan.” Mammadov wrote: “Dear friend, here are the two reports. We start working on them immediately. Thank you for your e-mail to the EPP! This is wonderful! Clearly, this is confidential. Thank you again for everything. Sincerely, Muslum.” The effort to build a coalition among PACE members against Strasser gained momentum.

On 3 October 2012, a dramatic vote took place in PACE on the definition of “political prisoners.” In a surprising upset for Strasser, a majority of the members of the legal committee, which had appointed him in 2009 and approved his definition of political prisoners twice before, in June 2010 and in June 2012, now voted for an amendment to his resolution promoted strongly by Azerbaijan and its apologists. The amendment states:

“The Parliamentary Assembly confirms that the interpretation and application of any criteria defining a political prisoner are the exclusive competence of the European Court of Human Rights, *which is the only authority to assess violations of fundamental rights and freedoms.*”<sup>12</sup>

In the plenary debate that followed Strasser stood his ground. He told the assembly:

<sup>10</sup> Elkhan Suleymanov (ACSDA), [“Azerbaijan: 10 Years a Member of the Council of Europe”](#), 2011. Lintner had chaired the PACE monitoring committee between 2006 and 2007. Once he left PACE he became a lobbyist for Azerbaijan in Germany, leading the “Gesellschaft zur Forderung der deutsch-aserbaidschanischen Beziehungen.”

<sup>11</sup> APA, [“Parliamentarian Elkhan Suleymanov: ‘I don’t see any reason to support the visit of any rapporteur to Azerbaijan until the PACE’s plenary meeting determines the criterions of concept of political prisoner’ – Interview”](#), 1 February 2011.

<sup>12</sup> For more on this see: ESI, [“Showdown in Strasbourg. The political prisoner debate in October 2012”](#), 15 February 2013.



“I oppose the view advocated by some that the Parliamentary Assembly should refrain from talking about the matter on the grounds that it is more properly within the remit of the European Court of Human Rights. If this position were adopted members might as well go home.”

His argument prevailed: the amendment was narrowly defeated, and his proposed definition of political prisoners adopted. Elkhan Suleymanov was furious. He then turned his full attention to the vote on political prisoners in Azerbaijan, set for January 2013.

On 24 November, Luca Volonte wrote to Pedro Agramunt, a conservative Spanish senator and businessman from Valencia, at the time serving as rapporteur on Azerbaijan for the Monitoring Committee:

“... your new chapter should be focused on the Strasser Report. In any case, my suggestion is that you should convince Mr. Del Bono [*apparently referring to Joseph Debono Grech, the Maltese member of the socialist political group*] to present and discuss this specific chapter in the “Monitoring Meeting”, in order to reveal the division within the Socialist Group!!!”

Volonte knew that Pedro Agramunt was a crucial player. Few PACE members had travelled to Azerbaijan as often as Agramunt, who went there as PACE election observer in 2003, 2005, 2010 and 2013 and consistently defended Baku’s human rights record.<sup>13</sup>

On 15 December 2012, Volonte suggested a lobbying strategy to Muslum Mammadov:

“We need to name a lot of friends during the debate and nominate one person for each of our political groups: it would be useful if you could suggest to [*Luigi*] Vitali and/or to the ex-Minister of Greece to nominate themselves for the EPP, [*Tadeusz*] Iwinsky and others for SOC, [*Michael*] Hancock and Bob [*Robert Walter*] for EDG, Jordi Xucla Costa or some others for the Liberals. If their group has decided for a “free vote”, they need to stress their opinion in favour of Pedro and consequently, against Strasser.”

All of these “friends” had long been central to Baku’s advocacy efforts. Italian EPP member Luigi Vitali was a former state secretary at the ministry of justice (2004-2006). Tadeusz Iwinski was a former Polish communist and member of PACE since 1992, who had travelled to Azerbaijan many times. In January 2011, he had presented to PACE an implausibly positive report on the 2010 parliamentary elections in Azerbaijan.<sup>14</sup> Robert Walter was a British Conservative from North Dorset and leader of the European Conservative Group (then the European Democrats Group or EDG) in PACE, another regular defender of Baku’s record. Jordi Xucla was a Spanish MP who later became chairperson of the ALDE group, and who repeatedly voted with Azerbaijan.

Finally, there was Michael Hancock, for years a key player in defending Azerbaijan. A British Liberal Democrat and member of PACE since 1997, he had served as PACE election observer in Azerbaijan in 2008 and 2010, praising the votes and attacking the OSCE’s long-term election observers each time for their alleged bias. In January 2011, Hancock signed a statement praising Azerbaijan’s “speedy improvement towards democratisation and legal state-building.” He was also a vice chair of the Azerbaijan All-Party Parliamentary Group in the UK. In September

<sup>13</sup> For more on Pedro Agramunt see: ESI [“A Portrait of Deception. Monitoring Azerbaijan or why Pedro Agramunt should resign”](#), 22 January 2013.

<sup>14</sup> More in ESI, [“Caviar Diplomacy – How Azerbaijan silenced the Council of Europe”](#), 24 May 2012.

2014, Hancock resigned from the Liberal Democrats because, as he put it, he had “crossed the line of inappropriate behaviour”, referring to a sexual assault scandal in his constituency.<sup>15</sup>

Attendance was the key to success. On 12 January 2013, Volonte wrote to Muslum Mammadov again, this time worried about attendance at an EPP dinner on 20 January on the eve of the PACE vote on political prisoners: “I told Pedro [Agramunt] and [Luigi] Vitali that *if you know others, invite them to come.*” He suggested that Mammadov ensure that German PACE member Axel Fischer from the CDU attended the EPP dinner. (In January 2013 Fischer was one of two Germans not supporting Strasser’s resolution).



*Axel Fischer (Germany), since 2016 leader of the EPP in PACE*

The debate on 23 January turned into a humiliation of Strasser. Tadeusz Iwinski stated in his speech: “I am convinced that Azerbaijan will continue to meet its commitments and obligations.”<sup>16</sup> Michael Hancock commented on Strasser’s report:

“Will all those countries listed on Human Rights Watch’s website – including Albania, Armenia, Belgium, Bosnia, Bulgaria, Croatia, Georgia, Greece, Hungary, Serbia, Turkey, Ukraine and the United Kingdom, all of which are members here – be subjected to the same scrutiny from a distance and through non-governmental organisations and websites? That is what Mr Straesser has done ... If we vote for Mr Straesser’s report – goodness me, I hope we do not – we cannot stop there. This report will need to be duplicated time after time, and quickly, because otherwise Azerbaijan and the next country will feel, rightly, that they are being in some way targeted. That cannot be fair, it cannot be right and it should not be tolerated in the Assembly.”<sup>17</sup>

Robert Walter, ignoring the fact, known to everyone in the assembly, that Baku had refused three visa applications, observed:

“Sadly, the rapporteur for the Committee on Legal Affairs and Human Rights, Mr Strasser ... passed judgment on the conclusions of his report before ever attempting to go to Azerbaijan. He based his report on blogs, non-governmental organisation reports and hearsay.”<sup>18</sup>

<sup>15</sup> *The Guardian*, [“Former Lib Dem MP Hancock apologises over inappropriate conduct”](#), 18 June 2014.

<sup>16</sup> ESI, [“Azerbaijan debacle: The PACE debate on 23 January 2013”](#), 21 February 2013.

<sup>17</sup> *Ibid.*

<sup>18</sup> *Ibid.*

Pedro Agramunt also came out strongly against Strasser, arguing that there simply was no problem with political prisoners in Azerbaijan:

“Apparently, there is only one left and I have been promised that that individual will be released quickly. I also have a commitment from the government that the nine who were free when I drew up the report will not be put back in prison.”

Agramunt directly challenged Strasser’s findings, arguing that:

“In all the other cases, other crimes are involved – murder, terrorism, and so on – including cases of former ministers, which were mentioned here, convicted for economic crimes, such as stealing and corruption. Of course, I do not consider these to be political prisoners.”

Agramunt never explained how he had been able to establish these facts on his short trips to Baku, where he and his colleagues met mainly with representatives of the authorities. Not surprisingly, both Russian and Azerbaijani speakers heaped praise on Agramunt’s report. Thierry Mariani, a pro-Aliyev member of the French parliament, noted that Strasser “could not get a visa for Azerbaijan, which is regrettable, but the co-rapporteurs of the Monitoring Committee [*i.e.*: Agramunt] had no problems” – suggesting that it was Strasser, rather than the Baku authorities, who were to blame.<sup>19</sup>

In the end, Strasser’s resolution was rejected by 125 votes to 79. Azerbaijan had managed to mobilise PACE parliamentarians in an unprecedented manner; the vote in January 2013 was the best attended vote on a human rights resolution in the history of PACE. The vote was also remarkable in terms of *who* voted with Azerbaijan. All 18 Russian members were present and sided with Baku. So too did all 10 Turks, all 9 Spaniards (including Pedro Agramunt), 9 of 11 Italians and a majority of members from the United Kingdom (7), Ukraine (7) and France (7).<sup>20</sup> On the other hand, 11 German members from all political groupings supported Strasser’s resolution (Axel Fischer abstained). They were joined by all 6 Swedes, and most Swiss, Finns, Norwegians and all Baltic members.<sup>21</sup>

And Luca Volonte? Following this success of Suleymanov’s diplomacy, Volonte became nervous that his role might be overlooked. On 28 January 2013, he wrote to his accountant: “Did you talk with Muslum, did you clarify the issues? They will make one last transfer before 31 January.” He proposed to Suleymanov another visit to Baku in February. On 29 January 2013, Suleymanov answered:

“Dear friend, these dates are fine with me. But as we agreed before, I would need to confirm the dates with our friend Pushkov. I will let you know as soon as possible about the dates from him. I cannot wait to see you soon. Greetings, Elkhan”

Alexei Pushkov, the common “friend” he referred to, was then the head of the Russian delegation, the biggest national delegation in PACE. Volonte wrote back to Suleymanov:

“Hi did you forget about me after your victory... ☺.”

<sup>19</sup> Mariani, a former minister under Nicolas Sarkozy, figures prominently as a friend of the Baku regime in the French documentary aired on France 2 – Cash Investigation, “[Mon président est en voyage d’affaires.](#)”

<sup>20</sup> The Italians voted as follows: Luca Volonte, Rossana Boldi, Gennaro Malgieri, Pasquale Nessa, Andrea rigoni, Giacomo Santini, Giuseppe Saro, Giacomo Stucchi and Giuseppe Valentino voted against Strasser’s report. Two centre left MPs, Giuliana Carlino and Paolo Corsino, voted in favour of his resolution.

<sup>21</sup> See [tabes of who voted with and against Azerbaijan](#) in ESI, “[Azerbaijan debacle: The PACE debate on 23 January 2013](#)”, 21 February 2013.

Suleymanov responded and reassured Volonte:

“My dear friend, I am in Warsaw now. I will let you know as soon as I get the answer from my friend. I am sure that I will still surprise you with the respect I have for you. You are my devoted friend forever. I do not change my friends. I follow this philosophy: it is bad not to have a friend, but it is a disaster to lose one. No one should ever face any disasters in his life!”

On 31 January 2013, Volonte put forward a new motion for a resolution on political prisoners. This appears to have been a means of putting pressure on Azerbaijan. A day later, he sent an email to the head of the secretariat of PACE, proposing to withdraw it again. He then forwarded his email to Mammadov, concluding: “Your wish is my command, so I think that we should discuss the new version during the next meeting in Baku with Elkhan and Pushkov.”

Volonte’s persistence paid off. Until 31 December 2014, many more transfers found their way to the accounts of his foundation and company. Over the next two years, he received more than €2 million from Azerbaijan.

*Azerbaijani money transferred to Volonte*

<b>Date</b>	<b>Amount received (€)</b>
17 December 2012	100,000
27 December 2012	220,000
19 March 2013	180,000
10 July 2013 – 31 December 2013	630,000
23 January 2014 – 31 December 2014	1,260,000
<b>Money received</b>	<b>€ 2,390,000</b>

**Fiat lux<sup>22</sup>**

In Italy, a criminal procedure begins with a *notizia di reato*, a notification written by the prosecutor when an alleged crime is reported. On 27 June 2014, the Public Prosecutor’s office in Milan wrote a *notizia di reato* concerning Luca Volonte and two bank transfers that had aroused the suspicion of managers in the Banco di Credito Cooperativo of Barlassina, a small town near Milan: €220,000 and €180,000, transferred to LGV in December 2012 and March 2013, which Luca Volonte could not explain.

*Crooked paths – how Azerbaijani money reached Volonte*

<b>Stock Company</b>	<b>Registered in</b>	<b>Via</b>	<b>Amount (€)</b>
Metastar Invest LLP	Birmingham (UK)	Danske Bank (Estonia)	100,000
Jetfield Networks Limited	Marshall Islands	Baltikums Bank (Latvia)	220,000
LCM Alliance LLP	Potters Bar (UK)	Danske Bank (Estonia)	180,000
Polux Management	Glasgow (UK)	Danske Bank (Estonia)	630,000
Hilux Services LP	Glasgow (UK)	Danske Bank (Estonia)	1,260,000

<sup>22</sup>

Latin for: Let there be light.



On Friday 13 February 2015, the court in Milan informed Volonte in a letter that the prosecutor's investigation would be extended. On Saturday, Volonte sent an email to three staff members of the Novae Terrae Foundation's office in Milan:

“On Monday, Tuesday (full time) and Wednesday only morning, I need you to make some update to a particular project. I ask you to come before nine, so I can explain and you can start working right away. Thank you. Luca.”

On Sunday, two collaborators met Volonte in the office. He asked them to draft a report to give details about LGV's work for Azerbaijan in 2012 and 2013. On Monday, Volonte called one of them and asked “have you taken away everything”. He replied, “yes, I used my USB stick”.

On 17 February, at 7:00am, Volonte's wife called one of the two to tell him that he and his colleague should not go to the office that day. However, the associate was not notified in time and went to the office, which was searched by the police. The police confiscated his USB-stick. It contained a folder “foundation” with a sub-folder “LGV Report 2012” which contains among others a “work scheme” for LGV (created on 15 February 2015) and two files “LGV year 2012” created on 16 February 2015. The Milanese prosecutors now investigated whether Volonte is guilty of corruption in a public function and money laundering.<sup>23</sup>

On 21 November 2016, the Italian public broadcaster RAI aired a documentary with the title “Caviar Democracy.”<sup>24</sup> It noted that ESI “wrote the first report on the Azerbaijani lobby in the Council of Europe.” It talked to Christoph Strasser, who explained that Luca Volonte “was instrumental in turning the conservative group against me” in January 2013. It also confronted Luca Volonte with the charges put against him.

**RAI:** Is it normal for money to pass via the Seychelles, Belize, the British Virgin Islands, if it's headed for a foundation?

**Volonte:** I don't know, I didn't know about a lot of these things. And so I never suspected that there might be some kind of ... improper intent, or ulterior motive.

**RAI:** The Terrae Novae Foundation was paid on the basis of an agreement with Elkhan Suleymanov's NGO ACSDA. So, the foundation signed a contract with...

**Volonte:** A consultancy. The foundation drew up an agreement ... a convention.

**RAI:** Which lasts ten years.

**Volonte:** In the agreement, it says that it lasts ten years.

**RAI:** For how much?

**Volonte:** A million a year.

**RAI:** Ten million, then.

**Volonte:** Yes ... that money was paid for advice which I personally provided to Suleymanov as president of this NGO.

<sup>23</sup> According to the Italian Criminal Code, Article 318 is punishable with one to six years, article 648 bis is punishable with four to twelve years and with a sanction from €1,032 to €15,493.

<sup>24</sup> Report (RAI 3), “[Caviar Democracy](#)”, 21 November 2016.

...

**RAI:** I saw that you received transfers of 105,000 Euro per month, does that sound right?

**Volonte:** Yes, that could be the case.

**RAI:** Initially, you told the bank in Barlassina into which the money arrived from the Azeris that this money was for consulting services on agricultural issues.

**Volonte:** Yes, because there was a quid pro quo agreement between me and the accountant ... and ...

**RAI:** Antonini the accountant?

**Volonte:** Precisely. And so there was this simple quid pro quo.

**RAI:** Did the accountant misunderstand?

**Volonte:** Yes, we both misunderstood.

...

**RAI:** Look, the invoice submitted to the bank is practically blank. There are no entries. Then, you list a consultation with a company called Jetfield.

**Volonte:** Yes.

**RAI:** An organisation that has its parent company in the Marshall Islands. But didn't this make you suspect that you were dealing with, how do I put it, a somewhat dodgy situation?

**Volonte:** But I trusted the people with whom I had relationships, so ...

Luca Volonte continued to hope that his political career in the Council of Europe could be continued, as he also explained to RAI's Paolo Mondani:

**RAI:** You told me that you wanted to become Commissioner for Human Rights.

**Volonte:** Maybe I didn't say that exactly.

**RAI:** In the Council of Europe. But let's say, though, that you would like to, that's in essence what you said.

**Volonte:** I'd like to get involved in international politics again.

**RAI:** OK, but how could you become the Commissioner for Human Rights for the Council of Europe, having taken money from a company owned by Suleymanov? And that's enough, your company has only taken money from Azerbaijan. I wonder, how could you think you could retain any credibility as Commissioner for Human Rights if you're accepting money from a country that has essentially trampled these very rights underfoot?

**Volonte:** From a foundation that works to promote human rights in a country that tramples them underfoot? Yes, that's a good question.

RAI also interviewed other Italian parliamentarians with connections to Azerbaijan: Luigi Vitali (Forza Italia), PACE member until 2013, and Sergio Divina (Lega Nord), Chairman of the Italy-Azerbaijan inter-parliamentary friendship group and PACE member today.



*Luigi Vitali (former member of PACE)*

**RAI:** On 15 December 2012, Luca Volonte sent an e-mail to the lobbyist and Azeri deputy Muslum Mammadov. “We need to appoint a lot of friends during the discussion ... tell Vitali to get Iwinski and others to support the EPP ... they need to emphasise their point of view ... against Strasser”. Did you know this Azeri politician named Elkhan Suleymanov?

**Vitali:** Absolutely. Absolutely.

**RAI:** Because allegedly, according to the Milanese prosecutors, he was the one through whom the money for Volonte was channelled. Two million three hundred and ninety thousand euros.

**Vitali:** I understand. What’s it got to do with me?

**RAI:** Have you ever received a tin or two of caviar from Azerbaijan?

**Vitali:** Yes. I have received a tin of caviar from that parliamentarian, on the occasion of ... before the Christmas holidays.

**RAI:** You limited yourself to a tin of caviar ...

**Vitali:** I was unlucky. If all that money really was circulating, I was really unlucky.



*Sergio Divina (Italian parliamentarian, current member of PACE)*

**RAI:** In June 2015 in the Council of Europe, you voted against an amendment calling for the release of political prisoners. Why did you vote against it?

**Divina:** Because I refuse to get involved in these games.

**RAI:** What games?

**Divina:** Anyone who says that Azerbaijan is not a democracy, who says that it is a presidential, almost dynastic republic, is only telling half the story. I don't know who benefits most from these mutual relations. I think Italy enjoys many more advantages. And we are trying to help Azerbaijan grow and develop, in the interests of our own country above all.

**RAI:** But in Azerbaijan, around 100 political prisoners are still in jail – that is, people who are in prison because of their beliefs, including journalists. What do we do about this?

**Divina:** Perhaps in Italy too, some of them could do with a month or so in prison.

### **Paying the price for corruption**

Corruption on human rights issues in PACE is not a victimless crime. While some corrupt members of PACE benefit, citizens in Azerbaijan and elsewhere pay the price for the failure of Europe's human rights institutions.

For the Azerbaijani regime, the January 2013 vote was a triumph. For human rights activists in Baku, it was a disaster. Encouraged by this outcome and keen to get rid of prominent human rights defenders and dissidents, the regime began to arrest even more people on bogus charges, sentencing them to ever harsher prison terms. Three among hundreds stand out, also because of their connections with the Council of Europe.

Ilgar Mammadov is the leader of the opposition Republican Alternative (REAL) movement. He also ran the Council of Europe School of Politics in Baku at the time of his arrest, on 4 February 2013, a few days after the vote in Strasbourg. The European Court of Human Rights has already called his case politically motivated and demanded his release. As of December



2016, he remains behind bars.<sup>25</sup> The Baku regime simply refuses to implement the judgement, so far with impunity.

Anar Mammadli established and led Azerbaijan's leading independent election monitoring organisation. After the regime had refused to issue Christoph Strasser a visa, the German rapporteur invited Mammadli to Berlin in May 2012 to provide input for his report on political prisoners. In December 2013, the man who had advised the rapporteur on political prisoners was himself arrested and sentenced to five years. While in jail, an independent committee of the Council of Europe awarded him with the 2014 Vaclav Havel Human Rights Prize. He remained in jail until March 2016.<sup>26</sup>

Khadija Ismayilova is today one of the most prominent investigative journalists in the world, frequently taking on the Azerbaijani presidential family with investigations of corruption. In 2014, she helped to compile a widely-circulated list of political prisoners in Azerbaijan. In October that year, she received a travel ban. She was then jailed in December 2014 on trumped-up charges, put on trial and kept in custody until May 2016. She still cannot leave the country.<sup>27</sup>

These are just three of many critics of the Baku regime who ended up in jail following the January 2013 vote. In September 2013, Human Rights Watch released a 100-page report on Azerbaijan, *Tightening the Screws*, noting:

“The Baku municipal authorities have implemented a blanket ban on all opposition demonstrations in the city center since early 2006. The authorities have broken up unsanctioned ones – often with violence – and have arrested and imprisoned peaceful protestors, organizers, and participants.”<sup>28</sup>

On 8 October 2013, on the eve of presidential elections in Azerbaijan, Amnesty International wrote: “With new arrests of civil society activists reported almost daily, it’s hard to keep up with the sheer number and the speed at which dissenters are being persecuted at the moment.”<sup>29</sup> Nothing has changed since. On 26 November 2016, a working group for a unified list of political prisoners in Azerbaijan presented its latest numbers: 119 political prisoners plus additional 25 cases to be monitored.

### **Taking back the Council of Europe**

Pierre-Henri Teitgen was an early member of the French resistance. He was captured by the Gestapo, escaped and later became minister of justice in the De Gaulle government in 1945. He played a key role in the negotiations leading to the creation of the Council of Europe and the drafting of the European Convention on Human Rights.

Teitgen often warned about ignoring incipient threats to liberal democracy: “It is very rare that a democratic country passes under a totalitarian system in one day. There is nearly always a

<sup>25</sup> Rebecca Vincent, [“Release Ilgar Mammadov”](#), *Open Democracy*, 26 September 2016.

<sup>26</sup> Front Line Defenders, [“Case History: Anar Mammadli”](#).

<sup>27</sup> *The Guardian*, [“Investigative journalist Khadija Ismayilova freed in Azerbaijan”](#), 25 May 2016.

<sup>28</sup> Human Rights Watch (HRW), [“Tightening the Screws: Azerbaijan’s Crackdown on Civil Society and Dissent”](#), 1 September 2013.

<sup>29</sup> Amnesty International, “Azerbaijan in downward spiral of oppression ahead of presidential elections”, 8 October 2013.

period during which liberty is gradually eroded.”<sup>30</sup> In August 1949, Teitgen delivered a forceful speech arguing for a binding convention on human rights to be adopted by the Council of Europe. Existing liberal regimes faced an imminent danger from Soviet subversion, he noted, and urged member states of the Council of Europe to come together to protect democratic freedoms. He ended his speech with a reference to the recent experience of Europeans:

“Mr. President, while I was in Gestapo prison, while one of my brothers was at Dachau and one of my brothers in law was dying at Mauthausen, my father, who was also a member of our French Parliament, was interned at Buchenwald. He told me that on the monumental gate of the camp was this outrageous inscription: ‘Just or unjust, the Fatherland.’ I think that from our first session we can unanimously proclaim that in Europe there will henceforth only be *just* fatherlands.”<sup>31</sup>

Teitgen’s co-rapporteur, leading British lawyer and conservative politician David Maxwell-Fyfe, added that “countries with a similar outlook upon problems of human rights and long experience in enforcing human rights are in the most favourable position to set an example to nations not yet members of their circle.”<sup>32</sup>

This was the spirit in which the Council of Europe was created: a club of democracies, led by politicians aware of Europe’s autocratic past, conscious of threats to the rule of law, determined to affirm human rights against external and internal opponents. It is time to recapture this spirit. It is high time to take back the Council of Europe.

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<sup>30</sup> A. W. Brian Simpson, *Human Rights and the End of Empire – Britain and the Genesis of the European Convention*, Oxford Univ. Press, 2010[2001], p. 662.

<sup>31</sup> *Ibid.* p. 673.

<sup>32</sup> British lawyers like David Maxwell-Fyfe played a central role in the drafting of the European Convention on Human Rights. The United Kingdom was also the first country to ratify the convention in 1951.

## **Annex A – What is to be done now?**

A few comments for feedback<sup>33</sup>

So what should be done? Obviously, the Suleymanov-Volonte transactions need to be put on the agenda of the next plenary session of PACE in late January 2017. It is likely that PACE president Pedro Agramunt and some members of the PACE bureau will try to preempt any discussion. One argument they already used – that it is inappropriate to comment on an ongoing investigation – is bogus: Luca Volonte has already publicly admitted that he accepted € 2.3 million from other members of PACE, and that these transfers started on the eve of an important vote on human rights in Azerbaijan. If this is not contrary to the Code of Conduct for PACE members, then the Code is clearly worthless.

Rhetoric about draining the swamp of corruption in Strasbourg is not going to be enough. Any serious reforms are certain to meet with stiff resistance from those who benefit from the status quo. For this reason, concerned members of PACE, officials in the secretariat and among governments and parliaments of member states need to act decisively. They also need to make clear what is at stake: caviar diplomacy is a mortal threat to the credibility of one of the world's most important human rights institutions.

Here are some proposals, to be further developed before the next plenary session of PACE in January 2017:

1. PACE should immediately suspend the two members accused of bribing other members (Elkhan Suleymanov and Muslim Mammadov), pending a full investigation. PACE should also withdraw the voting rights of the entire Azerbaijani delegation in January 2017 until such time as it is clear that these practices have ceased.
2. Given the dark shadow cast over the vote on 23 January 2013, PACE should immediately appoint a credible special rapporteur on political prisoners in Azerbaijan to apply the definition adopted by PACE in October 2012. It should consider appointing a prominent external human rights expert as co-rapporteur, who can attest to the integrity of the process.
3. The Committee of Ministers of the Council of Ministers should discuss this issue and appoint a special independent investigator with experience of such cases to do a serious investigation of allegations for bribery by Azerbaijan since 2001 to present to the Committee and to PACE.
4. Prosecutors in France, Spain, Germany and in other countries should talk to their Italian colleagues and cooperate in investigating suspicious behavior during this period. The capture of PACE and international institutions is not just an Italian problem.
5. The secretary general of the Council of Europe, Thorbjorn Jagland, should make a very strong statement to affirm that there can be no tolerance of any corruption of parliamentarians or officials.
6. Governments and parliaments of all Council of Europe member states should make clear how seriously they take both these specific discoveries and the structural problems they

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<sup>33</sup> Detailed proposals will follow in January 2017 in part three in the ESI Caviar Diplomacy series.

reveal. They need to underline that inaction is no longer an option. A Council of Europe where parliamentarians can be paid by other states to votes away basic rights is not an effective protector of any rights; and it is not a club worth belonging to. Since all PACE members are also members of national parliaments, these parliaments should strengthen codes of conduct, oversight and disclosure requirements for their own members while serving in PACE.

### **Annex B – Selection of related ESI publications**

ESI, [“Caviar Diplomacy. How Azerbaijan silenced the Council of Europe”](#), 24 May 2012.

ESI, [“A Portrait of Deception. Monitoring Azerbaijan or why Pedro Agramunt should resign”](#), 22 January 2013.

ESI, [“Showdown in Strasbourg. The political prisoner debate in October 2012”](#), 15 February 2013.

ESI, [“Azerbaijan debacle: The PACE debate on 23 January 2013”](#), 21 February 2013.

ESI, [“Disgraced. Azerbaijan and the end of election monitoring as we know it”](#), 5 November 2013.

Gerald Knaus, [“The End of Shame”](#), *Journal of Democracy*, July 2015.

See also ESI’s website section [www.esiweb.org/caviardiplomacy](http://www.esiweb.org/caviardiplomacy).