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Date: 09/02/2026

DD(2026)38

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Meeting: 1550 (11 February 2026)

Item reference: **1.6 Article 19 of the General Agreement on Privileges and Immunities of the Council of Europe (ETS No. 2) – Waiving immunity**

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Réunion : 1550 (11 février 2026)

Référence du point : **1.6 Article 19 de l'Accord général sur les priviléges et immunités du Conseil de l'Europe (STE n° 2) – Levée des immunités**

(anglais uniquement)



Ambassador Daniela Cujba,
President of the Ministers Deputies,
Council of Europe

Strasbourg, 08.02.2026

**General Agreement on Privileges and Immunities of the Council of Europe,
Article 19 – request for waiver of immunity**

Dear President of the Ministers Deputies,

The Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime (Økokrim) announced Thursday 5 February that, based on the so called "Epstein files", an investigation had been opened into former Secretary General of the Council of Europe, Mr. Thorbjørn Jagland, on suspicion of aggravated corruption.

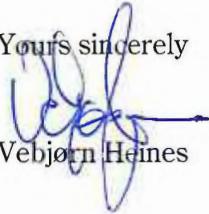
Mr. Jagland is suspected of passive bribery according to Section 387 first paragraph, litra a of the Norwegian Penal Code. Further, the advantages that he may have received, are suspected of being of a nature that constitute aggravated corruption falling under Section 388 of the Norwegian Penal Code. Reference is made in particular to Section 388 litra a whereby Mr. Jagland as elected Secretary General of the Council of Europe would have violated the special trust attached to his position, if he received bribes.

The Penal Code Section 387 and Section 388 are in accordance with Norway's obligations under the Council of Europe's Criminal Law Convention on Corruption (1999) which requires ratifying states to criminalize, *inter alia*, bribery of officials of international organisations (Article 9).

Since Mr. Jagland has immunity as a former Secretary General of the Council of Europe, Økokrim has asked the Ministry of Foreign Affairs to take the initiative to revoke his immunity. In response to this request, Norway's Foreign Minister, Espen Barth Eide, decided Thursday 5 February that Norway will put forward a proposal to the Council of Europe's Committee of Ministers that Mr. Jagland's immunity be revoked.

Based on the above, I request that our proposal to waive the immunity of Mr. Jagland be included in the agenda of the 1550th meeting of the Ministers Deputies, 11th February 2026.

Please find enclosed a draft decision titled "Article 19 – waiver of immunity." Further, please find enclosed a letter from Økokrim with further details on the investigation against Mr. Jagland.

Yours sincerely

Vebjørn Heines



Council of Europe

Your reference:

Our reference:

Date:

Case # 73/26

8 February 2026

Request for waiver of immunity

Opening of investigation in Norway against Mr. Thorbjørn Jagland

The Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime (Økokrim) announced Thursday 5 February that, based on the so called "Epstein files", an investigation had been opened into former Secretary General of the Council of Europe, Mr. Thorbjørn Jagland, on suspicion of aggravated corruption.

The publication of the "Epstein files" give reason to investigate whether, *inter alia*, gifts, travel expense, private vacations, and loans referred to in the files, constitute bribes accepted or received from Mr. Jeffrey Epstein in connection with Mr. Jagland's position as Secretary General of the Council of Europe. Mr. Jagland held the position as Secretary General for two consecutive periods, from 1 October 2009 until 18 September 2019.

Corruption according to Norway's Penal Code.

The relevant provisions of the Penal Code (LOV-2005-05-20-28) which entered into force on 1 October 2015, are Sections 387 and 388, see Annex for an English translation of the provisions.

The Penal Code Section 387 and Section 388 are in accordance with Norway's obligations under the Council of Europe's Criminal Law Convention on Corruption (1999) which requires ratifying states to criminalize, *inter alia*, bribery of officials of international organisations (Article 9).

Suspicions regarding Mr. Thorbjørn Jagland

Mr. Jagland is suspected of passive bribery according to Section 387 first paragraph, litra a. The advantages that he may have received, are suspected of being of a nature that constitute aggravated corruption falling under Section 388. Reference is made in particular to Section 388 litra a whereby Mr. Jagland as elected Secretary General of the Council of Europe would have violated the special trust attached to his position, if he received bribes.

According to the preparatory works of the law, the term *avantage* has a broad definition. It covers anything that will benefit the recipient, whether of economic value or not. It must be regarded as clearly reprehensible, considering the circumstances, to accept the advantage. Whether the advantage is *improper* is a broad assessment based on elements such as the value and character of the advantage, to what extent there was transparency about the accepted advantage, whether the advantage was in accordance

with relevant guidelines for receiving gifts, etc. The standard is stricter for persons holding public office or influential positions.

It is a requirement that the advantage is demanded, received or accepted *in connection with the conduct* of a position. Based on Supreme Court jurisprudence, the elements to be assessed are for instance, the type of position held by the receiver, the decisions he could make which would be of interest to the giver, and the importance of such decisions for the giver. The connection between the received advantage and the position of the receiver must be of a certain strength and be clear. However, there is no requirement of a causal link between the advantage and the position, and no requirement that the bribe has influenced the way in which the receiver has exercised his position, nor that the person giving the bribe had the intention of receiving a concrete advantage in return. However, the reason for criminalizing corruption is to counter undue influencing, so any element of influence must be identified.

Aggravated corruption has a maximum sentence of 10 years imprisonment. An offence will be time barred after 10 years. However, if bribes which have been received prior to the 10-year statute of limitations, can be considered to be part of a single continuous offence, those acts will not be time barred.

As mentioned above, the material released by the US Department of Justice indicate that on several occasions over the 2011-2018 time period, Jagland and/or his close family members benefited from the use of private apartments in Paris and New York, as well as enjoying lengthy stays at Mr. Epstein's private property in Palm Beach, Florida. For at least one of these private vacations, travel expenses for six adults appear to have been covered by Mr. Epstein, in addition to a separate offer for travel and hotel expenses in the Caribbean for six adults which Jagland accepted, but which was later cancelled due to external circumstances. Mr. Jagland further appears to have solicited Mr. Epstein's assistance in relation to obtaining a bank loan, but it is unclear whether this actually materialized.

The released material indicates that Mr. Epstein over the entire time period covered, sought to benefit from Mr. Jagland's network and position in various ways.

Request for waiver of immunity

Based on the above, Økokrim asks for an urgent waiver of the immunity that Mr. Jagland enjoys as former Secretary General of the Council of Europe. Reference is made to article 19 of the General Agreement on Privileges and Immunities of the Council of Europe.

Best regards


Pål K. Lønseth

Director of Økokrim

Annex: Penal Code Sections 387 and 388

Annex

Penal Code

Section 387. Corruption

A penalty of a fine or imprisonment for a term not exceeding three years shall be applied to any person who

- a. for himself/herself or others demands, receives or accepts an offer of an improper advantage in connection with the conduct of a position, an office or performance of an assignment, or
- b. gives or offers any person an improper advantage in connection with the conduct of a position, an office or performance of an assignment.

«Position», «office» or «assignment» in the first paragraph also means a position, office or assignment abroad.

Section 388. Aggravated corruption

Aggravated corruption is punishable by imprisonment for a term not exceeding 10 years. In determining whether the corruption is aggravated, particular weight shall be given to whether the act

- a. was carried out by or toward a public official or any other person by violating the special trust attached to his position, office or assignment,
- b. whether it resulted or could have resulted in a considerable financial advantage,
- c. whether there was a risk of considerable harm of a financial or other nature, and
- d. whether false accounting information was recorded or false accounting documentation or false annual accounts were prepared.

1550th meeting of the Ministers' Deputies, 11 February 2026

Item 1.6 – Article 19 of the General Agreement on Privileges and Immunities of the Council of Europe (ETS No. 2) – Waiving immunity

DRAFT DECISIONS

The Committee of Ministers, acting under Article 19 of the General Agreement on Privileges and Immunities of the Council of Europe (the 'General Agreement'),

Having regard to the request by the Norwegian Government dated 8 February 2026 addressed to the President of the Ministers' Deputies, to waive the immunity in respect of criminal investigations carried out by the Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime (Økokrim) concerning Mr Thorbjørn Jagland, former Secretary General of the Council of Europe;

Considering that, under Article 16 of the General Agreement, Secretaries General of the Council of Europe, in addition to the privileges and immunities specified in Article 18 of the General Agreement, enjoy the privileges and immunities accorded to diplomatic envoys under international law;

Considering that, under Article 39, paragraph 2, of the Vienna Convention on Diplomatic Relations, after cessation of their functions, diplomatic immunity continues to cover acts performed in the exercise of their official capacity;

Considering that the immunity is accorded to Secretaries General not for their personal benefit but in order to safeguard the independent exercise of their functions;

Considering that the Organisation shall co-operate with the competent authorities of its members to facilitate the proper administration of justice, the Committee of Ministers invites the Secretary General to consider future requests by Økokrim for related information and investigative measures;

Decided

To waive the immunity from legal process accorded to Mr Thorbjørn Jagland in his capacity as former Secretary General of the Council of Europe in respect of acts performed by him in his official capacity and within the limit of his authority for the purposes of the aforementioned investigations conducted by Økokrim.