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Could proposed U.S. law end abuse of Interpol red notices?

In this era of political polarisation, bipartisan support has emerged in U.S. Congress for a proposed law that aims to curb autocratic governments' abuse of Interpol.

Theodore Bromund, senior research fellow at the Heritage Foundation, describes the bill, which is to be taken up later this week, as "the most significant piece of Interpol-related legislation that has ever been introduced into a congress or parliament in a democratic country"

The constitution of the International Criminal Police Organisation, better known as Interpol, prohibits the use of its Red Notices for political, racial, religious, and military purposes, but several member states, notably Turkey, have abused the system to harass, detain and extradite political dissidents in exile.

The Turkish government has issued thousands of Red Notices since the 2016 coup attempt, demanding Interpol's 194 member states arrest the many critics who fled the wide-reaching crackdown that followed the failed putsch. Red Notices have led to suspects being detained, having their visas cancelled or banks accounts closed.

On Thursday, Sept. 12, the Commission on Security and Cooperation in Europe, also known as the U.S. Helsinki Commission, is to hold a hearing on transnational repression that is expected to highlight the abuse of Interpol.

The commission is a bipartisan agency of Senators and Representatives, that monitors and encourages compliance with U.S. commitments as a participating state in the Organisation for Security and Co-operation in Europe and helps formulate policy on related issues, including transnational repression.

Members of Congress who serve as commissioners can also introduce legislation, such as the forthcoming bill on Interpol abuse. While the legislation focuses on the abuses of Interpol that the United States can address, the Helsinki Commission will also consider the broader set of



tools autocrats use to punish dissent overseas.

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"It is important that the Helsinki Commission made this a hearing on transnational repression, not just Interpol abuse," said Nate Schenkkan, director of special research at Freedom House, who will testify at the hearing.

Rolling back the misuse of Interpol by autocrats will not prevent them from pursuing other means of transnational repression. Turkey's attempts to issue politically motivated Red Notices have not always succeeded. Interpol reportedly blocked the mass request from Turkey for the issuance of 60,000 alerts related to the attempted coup in 2016.

"What is striking about what Turkey has done in the past few years, is that when one thing does not work they go do something else," Schenkkan said.

Last week, Turkey did not need to manipulate Interpol in order to secure the extradition of United Nations registered asylum-seeker Arif Komiş and his family from Malaysia.

Turkey may be the most prolific abuser of Interpol, but for Congress, concern about the abuse of Interpol "is mostly a Russia issue", Bromund said. "This is not an ideological issue," he added, which helps engender bipartisan support for action. Members of Congress are particularly concerned with the role Red Notices play in violations of U.S. law.

Sandra Grossman, immigration litigator and partner at Grossman Young & Hammond, is to provide testimony at the Helsinki Commission to demonstrate how the U.S. Department of Homeland Security, in contravention of U.S. law, uses Red Notices as a way to detain individuals.

"The U.S. Department of Justice manual points out that Red Notices are not supposed to be the sole basis of an arrest, but often they are almost used as the sole basis," Bromund said.

This is the kind of problem the U.S. legislation can address. Grossman hopes the adoption of the bill helps identify sources of Interpol abuse and begins to eliminate manipulation of Interpol communications in the United States.

The U.S. legislation will also likely address internal Interpol problems, but there are limits to the impact U.S. policy can have on the organisation.

"[Interpol] sets its own rules. They are adopted by the Interpol General Assembly. The U.S., on its own, cannot force Interpol to change anything," said Yuriy Nemets, managing member of NEMETS law firm and author of the blog Red Notice Abuse Report.

"It can't compel the organisation to carry out the necessary reforms. However, it can collaborate with other member countries and convince them to vote in the General Assembly to carry out the reforms," he said.

Spurred on by the Helsinki Commission hearing this week and forthcoming legislation, the United States could use its considerable influence within Interpol to seek an increase in the transparency of the organisation's funding and the publication of data on how many complaints of violations of Interpol rules are lodged against each member state.

The politicisation of Interpol by autocrats presents a significant challenge to the organisation's mission, complicating the function of Interpol for its legitimate law enforcement purpose.

"Neither the U.S. nor Interpol can do anything to stop other countries from politicising Interpol systems," said Bromund. What the United States can do, he added, was "take a greater role in encouraging Interpol to return to its apolitical purpose".

Although U.S. leadership on Interpol reform cannot prevent transnational repression, it could change the fact that the operation of Interpol today remains opaque, allowing room for abuse

"Most people don't know they are in the database until they are detained," said Nemets. "For **Download Ahval App** refugees and asylum seekers detained because of Red Notices or diffusions, the current policy comes too late."

A strong U.S. law could be a crucial first step in curbing Interpol abuse by autocrats targeting vulnerable political exiles.

The opinions expressed in this column are those of the author and do not necessarily reflect those of Ahval.

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