

The Washington Post

October 2, 2017

Interpol needs to stop helping dictators

By Jared Genser

Interpol, the international police organization, has just concluded its annual meeting in Beijing. For decades, Interpol's constitution has emphasized respect for human rights and the principle of political neutrality in its actions against suspected terrorists, criminals and fugitives. But politicized decisions in recent years have seriously damaged its credibility.

The primary concern is the abuse of its "Red Notice" system, which is designed to facilitate the capture of legitimate targets by law enforcement. At the request of a state, Interpol issues Red Notices, essentially international arrest warrants. While every country can exercise its own discretion when deciding whether to honor them, many automatically simply arrest those listed in Red Notices and immediately proceed to extradite them to the requesting state.

In recent years, savvy dictators have embraced Interpol as a repressive tool, using it to arrest dissidents beyond home borders. As documented by the organization Fair Trials, the issuance of such politically tinged Red Notices has led to the wrongful detention of many innocent victims. Others have lost their jobs or had their bank accounts frozen or shut down. Yet Article 3 of Interpol's Constitution stipulates it is "strictly forbidden for the Organization to undertake any intervention or activities of a political, military, religious, or racial character."

In one high-profile case, Russia issued a red notice against Kazakh opposition leader Mukhtar Ablyazov, resulting in his arrest in France. (Disclosure: Ablyazov is a former client of mine.) While extradition treaties typically exclude politically motivated requests, in practice courts have a strong presumption in favor of extradition. In this case, French courts initially refused to see Russia's extradition request as politically motivated, even though the Russian judge who ordered the arrest was on the U.S. sanctions list for complicity in the death of Russian lawyer Sergei Magnitsky. Consequently, Ablyazov was detained for more than three years before the Russian extradition request was finally quashed by France's highest administrative court.

Interpol has turned a blind eye to this misuse of its system by blatantly repressive states. In 2011, the International Consortium of Investigative Journalists) published the results of an

investigation showing that, out of 7,622 Red Notices in 2010, “a quarter of those were from countries with severe restrictions on political rights and civil liberties. About half were from nations deemed corrupt by international transparency observers.”

Even worse, challenging an Interpol Red Notice entails facing an opaque review panel inside the organization that doesn't explain its decisions and doesn't even have the power to rescind such a notice. For those who succeed in being delisted, there is no compensation for damages.

Last November, Interpol adopted a set of reforms to address these concerns. New rules enable targeted individuals to access their data and make delisting decisions binding on the organization. Yet so far nothing has been done to stop the root problem of abusive requests.

One controversial move made during the Beijing meeting has now brought matters to a head. The organization passed a measure that effectively abandoned its own principle of neutrality by approving membership for the “state of Palestine” with a vote of 75-24 (and 34 abstentions). It is impossible to see this action as anything other than a political decision to take sides in the Israeli-Palestinian conflict. From now on, a decision by any Palestinian court will be enough to allow President Mahmoud Abbas to request Red Notices against Israeli Prime Minister Benjamin Netanyahu and a wide array of other Israeli leaders.

There is little reason to expect that Interpol would refuse the Palestinian Authority's requests. And if that happens, then Israel will undoubtedly retaliate in kind.

President Trump should act to save Interpol from itself.

First, he should demand a reform to prevent the issuance of politically motivated Red Notices. Requesting states should be required to provide detailed information to Interpol, not just a national arrest warrant, before a Red Notice is issued. Interpol should also start keeping a list of dissidents by country who merit higher scrutiny if extradition is requested.

Second, Trump should urge further improvements to the process inside Interpol to hear challenges to Red Notices. That process should take no longer than 60 days and require the issuance of a written legal opinion. A new independent external appeal process should also be created. Financial compensation should be provided to those wrongly listed.

Finally, the U.S. president should make clear to Interpol that violations of the Interpol constitution will not be tolerated. The United States is a major funder of the organization, contributing some \$15 million this year (about 19.5 percent of Interpol's regular budget). So Trump should serve notice to Interpol that it must clean up its act. This should include urging Interpol to make clear it will not issue politically motivated Red Notices against Palestinian or Israeli leaders.

Interpol is no more insulated from the politics of governments than other multilateral institutions. For about 100 years, it has advanced the security of our world. But if it cannot maintain its neutrality for law enforcement cooperation, then the United States and other democracies should withdraw their support and build a new organization that will.

Author line (if included) Jared Genser is an international human rights lawyer based in Washington.