

---

Rome, 18 May 2016

Open Dialog Foundation presentation at the  
Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe  
hearing on

**Abusive use of the Interpol system: the need for more stringent legal safeguards**

Dear Members of the Committee on Legal Affairs and Human Rights,

Thank you for inviting me to speak here today and to present, on behalf of the Open Dialog Foundation, our thoughts, conclusions and recommendations developed over the last years, advocating internationally for an analysis of the problem of political misuse of the INTERPOL system by non democratic states and an adequate response to the issue. We appreciate all the engagement of the rapporteur, Mr Fabritius, and this Committee, and are happy to see the work on the report proceeding, including via direct meetings both with the Interpol representatives and civil society and through hearings such as today's.

As agreed with my colleague from Fair Trials International, in order to make best use of the limited time for the presentations, I will mainly focus on the aspects relating to the evaluation of the Member States' requests to Interpol with the aim of the issuance of a Red Notice, while she will cover the avenues of redress available to individuals that have been placed in the Interpol database.

First of all, let me stress that the Open Dialog Foundation recognises the important role that INTERPOL plays in fighting transnational crime. And we welcome the fact that, partly thanks to the increased general debate on the need for stronger safeguards for human rights within the organisation's structures and processes, Interpol has indeed become more open and has expressed its willingness for a constructive dialogue with representatives of civil society.

First steps have been taken towards the reform of the Interpol mechanisms and we are happy to see some of our recommendations taken into account in the process. Two examples of such first positive measures are the refugee policy and the mechanism, which suspends the publications and/or the visibility of the Red Notice in the Interpol database pending the final outcome of the compliance verification procedure.

That said, it is clear that a lot of work remains to be done to ensure that these positive initiatives become fully functional and viable in the long run and can actually bring about concrete systemic change. In order to achieve it, they should go hand in hand with increased cooperation with both the Interpol Member States, as well as with international organisations and bodies, such as the UNHCR office. Lack of appropriate and inclusive response and action plan would result in a loss of credibility that would, first and foremost, be harmful to Interpol itself.

We still see a number of Interpol Members, most of which are labelled in the renowned Freedom House rating as



not free, stepping up their efforts to misuse Interpol for political reasons, trying time and again to benefit from certain automatisms within the system. For example by presenting renewed requests for the issuance of Red Notices against individuals whose cases have been clearly deemed political. Or by using the fact that in certain cases the review of the appeal of an individual against a Red Notice is extremely lengthy, as we can see in the case of Tatiana Paraskevich, a Russian citizen, former colleague of a Kazakh opposition representative, Mukhtar Ablyazov, who hasn't received response from Interpol to her request to take her off the Interpol wanted list since March 2014. This has effectively complicated her case and the process of obtaining documents in the Czech Republic, where she has since received the international subsidiary protection. This has also indirectly resulted in Russia appealing the decision of the granting of the international protection, and subsequently renewing, along with Ukraine, the extradition requests. Most recently in February 2016.

All this puts additional importance on the work done by the Commission for the Control of Interpol's Files and the process of data and information processing. We, therefore, welcome the constitution of the Interpol Working Group on the Processing of Information for the implementation of a comprehensive review of Interpol's supervisory mechanisms in the area of data processing and appreciate the possibility to contribute to the work of the GTI with our submissions. In this context, we also welcome the appointment of the Data Protection Officer in October 2015.

**The Open Dialog Foundation would like to suggest the following key recommendations in the area of evaluation of the Interpol Members' requests for the issuance of a Red Notice or a Diffusion, which we hope can be of use to the Committee Members and, in particular, the Rapporteur, in finalising the report:**

- It is important to specify the content of Article 3 of the Constitution of Interpol in order to prevent its selective or arbitrary interpretation and to allow for a better public understanding of its key provisions;
- Based on the fact that Interpol is working on collaborative projects with various UN agencies, it is recommended to initiate a closer cooperation with the Office of the UN High Commissioner for Refugees with the aim of developing deeper functioning synergies in protecting the rights of persons who have been granted refugee status, yet who still face attempts by the Interpol Member States to persecute them via the misuse of the Interpol system. Official statements issued by UN agencies, including the UN Agency for Refugees (UNHCR), should be considered during the revision of a 'Red Notice' or a 'Diffusion' request;
- Interpol should create institutional conditions for closer cooperation between Commission for the Control of Interpol's Files and independent experts that have a strong background in human rights as well as asylum and extradition law. Such experts would be able to provide a more in-depth insight into specificities of the politically motivated persecutions and ensure high-level scrutiny during the evaluation procedures.

Non-democratic regimes often skilfully mask the political motivation behind accusations of common crimes. At times, they tailor the accusations to the concrete country, choosing the ones they believe might more easily prompt a reaction, or they undertake the trial and error approach. This, for example, happened in the case of a Kazakh citizen, Aleksandr Pavlov, who had been detained in Spain, with Kazakhstan placing a Red Notice in the Interpol system and subsequently requesting his extradition, providing all range of accusations, testing which



**OPEN DIALOG**

**Brussels Office**  
155 Rue de la Loi,  
Postal box: 27  
1040 Brussels, Belgium

**Open Dialog Foundation**  
11 a Szucha Avenue, office 21  
00-580 Warsaw, Poland  
T: +48 22 307 11 22

---

ones would gain more traction in Spain.

- It is advised to develop a more individual approach to the evaluation of requests from Member States, for example by instituting a “rating” of Interpol Member States with regards to both: the opinions of international independent bodies and organisations as to the level of respect for human rights in the country, and the number of requests that a given Member has presented over time and that have been found in breach of the Interpol constitution and/or its internal rules and regulations. Such rating should also be publicly accessible and communicated to the NCBs of all Interpol Members;

- The granting of international refugee status (international protection) in one member country of Interpol should ensure that other members of Interpol do not render the said person to the persecuting state. In order to achieve this, mutual communication between the General Secretariat, the CCF and the NCBs has to be improved, ensuring that national databases are updated regularly, in line with the General Secretariat’s decisions;

Finally, we are convinced that within the current, however complicated and difficult, debates on the very much needed reform of the European Union asylum law, joint consultations between the European Parliament, the European Commission and Interpol are needed in order to ensure the works proceed towards an inclusive system, which would increase European safety while ensuring that rights of individuals unlawfully persecuted for political reasons or others are also safeguarded.

Thank you for your attention.