



**The report:
The Interpol system is in need of reform**



Political refugees become victims of misuse of the Interpol system by authoritarian states

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1. INTRODUCTION

International refugee status no longer guarantees protection from political persecution. Non-democratic states are using more and more sophisticated methods of oppression, exploiting Interpol mechanisms in order to set 'traps' for their opponents abroad. Due to the shortcomings of its supervisory mechanisms, Interpol has become a 'convenient' tool used for harassment in a number of political cases. The automatic issuance of 'red notices' is applied with regard to persons to whom the United Nations and individual states have granted international protection. As a result, persons who have received international refugee status in the EU, the US and Canada are subjected to arrest at border crossings.

Political refugees are forced to remain behind bars for months or even years, while lengthy procedures for the consideration of extradition requests and the challenging of Interpol notices are ongoing. Refugees remain on international lists of wanted persons even after courts have refused to render them to authoritarian states. The misuse of Interpol threatens the reputation, health and even lives of activists, politicians, journalists and restricts their freedom of movement.

At the same time, allegations relating to corruption and financial crimes have become the most widespread methods used by the authoritarian regimes against their political opponents. [\[1\]](#) Numerous cases have been reported where refugees faced contrived terrorism charges, whilst it was they themselves who were the victims of political terror in their homelands.

Interpol presents itself as a 'democratic organisation, which is a guardian of the law'. However, most members of this organisation are undemocratic states which flout the rule of law. Of the 187 Interpol member States (excluding the Vatican, the overseas territories of the Netherlands and the UK), 104 States, according to Freedom House, are 'not free' or are only 'partially free'.

Article 3 of the Interpol Constitution prohibits organisations from undertaking any interventions or activities of a political, military, religious or racial nature. A significant number of incidences of violations of the fundamental standard indicate that Interpol does not respond quickly and effectively to its current challenges. The OSCE, PACE and the European Parliament have repeatedly given clear signals to Member States that their support for the reform of Interpol is necessary; still, Interpol itself shows no interest in systemic change.

This report provides an analysis of Interpol's significant shortcomings which give rise to the abuse of the system in terms of persecuting political opponents. The scale of the problem is demonstrated through numerous examples of high-profile cases in which authoritarian states misused Interpol in violation of international human rights treaties, including the rights of refugees. The total number of similar cases is, in fact, much greater, but many of the said cases have not been addressed in the media.

The work of Interpol is extremely vital, given the high level of criminality and terrorism in numerous countries. Therefore, it is important that the organisation, which was designed to combat criminality, is not exploited by authoritarian states as a tool for political selective prosecution. We hope that the new General Secretary of Interpol will promote the bringing of Interpol's rules into line with international standards and principles of the asylum institution, as well as cooperate on this issue with NGOs, the UN, OSCE, PACE and the European Parliament.

2. SYSTEMIC WEAKNESSES OF INTERPOL

- **The Interpol system allows the almost unimpeded issuance of an international arrest warrant for any person.** There are two main types of request [\[2\]](#), [\[3\]](#):
 - **Red Notice:** issued by the General Secretariat of Interpol on the basis of a request sent by a state. The state notifies all members of Interpol that it has an arrest warrant, sanctioned by a court, for an individual, and, should the location of said individual be determined, a request for his or her

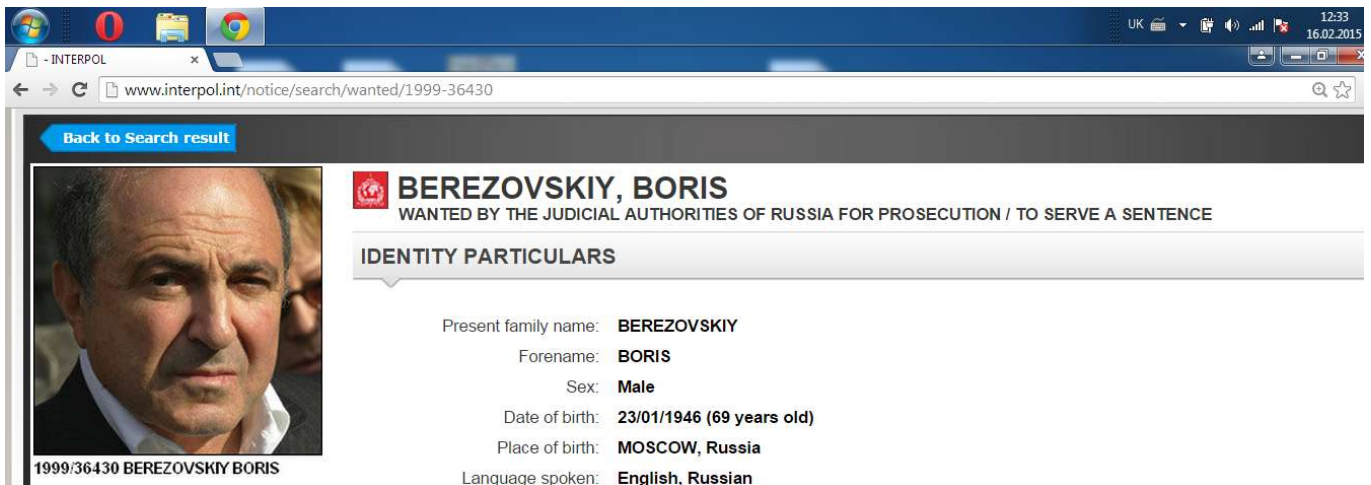
extradition will be issued. Most Interpol requests are ‘red notices’. Formally, the ‘red notice’ is not a ‘request for arrest’. The state on whose territory the person has been located, makes a decision independently as to whether the person will be arrested or not (although in most cases, the person is arrested automatically). Not all ‘red notices’ are public (the state may decide not to publish a notice on the website).

- **Diffusion Notice** – national police authorities automatically place these individuals in Interpol’s global database through the I-Link network. Interpol labels this type of notification ‘less formal’. ‘Diffusion notices’ are selectively sent to a certain number of states and are not public.
- **The verification system of ‘red notices’ is non-public, overly extended and not very effective.** ‘Red notices’ should be subjected to mandatory verification by the leadership of Interpol. Formally, the competent body operating within the framework of Interpol is the Command and Coordination Centre of the General Secretariat, which is obliged to consider every request. Should any doubts arise regarding the legitimacy of the request, the Centre refers the case to the Office of Legal Affairs, which verifies the compliance of requests with Interpol’s Constitution. Information on the activities of the Office is difficult to obtain. For example, Interpol has not informed the International Consortium of Investigative Journalists how many requests have been deemed to be politically motivated. Interpol gave the answer in relative numbers of ‘approximately 3 percent’. The Interpol website is also missing full statistical information on this issue, as it only contains reports of ‘high-profile’ cases. [\[4\]](#)

The current structure of the organisation does not allow it to effectively and efficiently deal with numerous requests. According to its instructions, Interpol is obliged to carefully inspect requests in order to determine whether they contain a political component, by considering the nature of the charges, the general context of the case, the obligations under international law and the status of the individual concerned. [\[5\]](#), [\[6\]](#) But frequently, ‘red notices’ appear in the database before they have been verified and approved. Not all requests are assessed properly. Sometimes, in similar cases, Interpol adopts different solutions. For example, the Russian requests for the Ukrainian politicians **Ihor Kolomoyskyy** and **Dmitriy Yarosh** were a result of the political and military conflict with Ukraine. Interpol has refused to declare Kolomoyskyy wanted, yet, it issued a ‘red notice’ for Yarosh. [\[7\]](#) And so, Russia has, once again, managed to exploit the vulnerability of the Interpol mechanisms in pursuit of its political interests.

- **‘Diffusion notices’ are not subject to a systematic review by the supreme bodies of Interpol.** Authoritarian states are able to quickly employ them for political persecution, thus bypassing ‘red notices’. In particular, Russia has issued ‘diffusion notices’ in relation to the Russian activist **Petr Silaev** and Georgian politician **Givi Targamadze**. [\[8\]](#) It was from the Russian bureau of Interpol that Ukraine received a request for the detention of free climber **Pavel Ushevets**, who was subjected to criminal prosecution following his pro-Ukrainian art performance in Moscow. [\[9\]](#) Ukraine refused to extradite him due to the political nature of the criminal charges.
- **Technical errors in databases.** The data regarding fugitives are automatically entered into the local databases and may be stored there even after Interpol has withdrawn them from a common database (the states do not always update their databases). On the basis of these records, Belarusian opposition activist and political refugee, **Ales Michalevic**, has been arrested in Poland and the United States, while Estonian politician, **Eerik Kross**, wanted by Russia, was arrested in Bulgaria.

While uniting almost all of the countries of the world, Interpol remains a closed, non-public organisation which does not wish to be accountable to representatives of civil society. A convincing example of the obsolescence and the inertia of the system is the current validity of the record of the wanted Russian businessman, **Boris Berezovsky**, who died almost two years ago on 23 March, 2013. [\[10\]](#)



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BEREZOVSKIY, BORIS
WANTED BY THE JUDICIAL AUTHORITIES OF RUSSIA FOR PROSECUTION / TO SERVE A SENTENCE

IDENTITY PARTICULARS

Present family name: **BEREZOVSKIY**
Forename: **BORIS**
Sex: **Male**
Date of birth: **23/01/1946 (69 years old)**
Place of birth: **MOSCOW, Russia**
Language spoken: **English, Russian**

1999:36430 BEREZOVSKIY BORIS

On 28 May, 2013, the then General Secretary of Interpol Ronald Noble noted that ‘various commentators rush to criticise Interpol for political affairs and propose reforms’. However, according to the former head of Interpol, *“their knowledge of the organisation and of its functioning is frequently incomplete or just plain wrong. A close examination of Interpol’s handling of these types of cases, however, should reinforce the view that **Interpol needs no major reforms**”*. [11] The response to the letter of 18 April, 2014, addressed by the Open Dialog Foundation to the Interpol General Counsel, Joel Soler, stated that the organisation has *“sufficient mechanisms to protect human rights”*. Unfortunately, the results of our monitoring of the incidences of Interpol misuse by authoritarian states prove otherwise.

3. THE PRINCIPLES OF INTERPOL UNDERMINE THE INTERNATIONAL INSTITUTION OF REFUGEE STATUS

One of the contradictions in the Interpol system is that the granting of international refugee status in one of the member countries of the organisation does not affect the status of a wanted person. This is especially true in the cases of politicians and activists from authoritarian states. The fact that many of them have been granted asylum in the EU or the United States, proves the existence of a political component to the criminal prosecution. Moreover, many of these individuals are public figures and their whereabouts are known. The Open Dialog Foundation does not suggest that a complete ban should be put on arrest warrants for persons with refugee status, but the granting of such a status should form the basis for the revision of a ‘red notice’ and must protect the person from arrest and extradition following a request by the state which persecutes the individual for political reasons.

Currently, the Interpol list still includes a number of persons who have been granted refugee status: [12]



Andrey Borodin – a major Russian businessman, who has been charged with fraud and embezzlement on a grand scale. In 2013, he was granted political asylum in Great Britain.



Ilya Katsnelson – a businessman, whose business has been associated with Mikhail Khodorkovsky’s company. He is a U.S. citizen. Russia accused him of fraud, money laundering and abuse of power. Germany and Belgium refused to extradite Katsnelson to Russia, labelling the charges against him ‘politically motivated and baseless’.



Pavel Zabelin – an entrepreneur, twice convicted in absentia in Russia on charges of fraud. Zabelin stated that harassment by the authorities was prompted by his refusal to give false testimony in the Yukos case (Yukos is an oil company which was headed by Mikhail Khodorkovsky). Zabelin was granted political asylum in Estonia. In 2008, Germany and Estonia refused to extradite him to Russia. Zabelin was granted a US visa and the US government approved his political refugee status. Despite the decision of the US and two EU countries, Zabelin remains on the Interpol list.



Arbi Bugaev – a native of Chechnya who was granted political asylum in Germany. Russia accused him of terrorism and the attempted murder of a police officer. According to the non-governmental organisation ‘Russian-Chechen Friendship Society’, the authorities, as well as criminal groups repeatedly exerted pressure, including torture, on Arbi Bugaev’s family members in Russia. [\[13\]](#)



Mukhtar Ablyazov – Kazakh opposition politician and a personal enemy of President Nursultan Nazarbayev. He was placed on the Interpol wanted list in connection with charges of fraud, abuse of power and the forgery of documents. In 2011, he was granted political asylum in Great Britain. Since his detention on 31 July, 2013, on the basis of a ‘red notice’, Ablyazov has been held in different places of detention in France for one and a half years due to lengthy trials, carried out in connection with extradition requests, filed by Russia and Ukraine. It is through these countries that the Kazakh authorities are striving to get their hands on Ablyazov, as they do not have an extradition treaty with France. The published evidence of fabrication of the extradition request resulting from Kazakhstan’s illegal cooperation with the Ukrainian and Russian investigative authorities caused global shockwaves. Information has been publicised that the Kazakh President Nursultan Nazarbayev has repeatedly addressed Vladimir Putin with a request that he facilitates the extradition of Ablyazov from Europe. [\[14\]](#), [\[15\]](#) International human rights organisations and representatives of the European Parliament have repeatedly called for the prevention of Ablyazov’s extradition.



Muratbek Ketebayev – Kazakh opposition politician, Mukhtar Ablyazov’s colleague. Kazakhstan charged Ketebayev with ‘inciting social discord’, ‘calling for a violent overthrow of the constitutional order’ and ‘establishing a criminal group’. On 12 June, 2013, he was arrested in Poland, but released the next day. Polish authorities labelled the charges ‘politically motivated’ and granted refugee status to Ketebayev. However, on 27 December, 2014, in Spain, he was arrested again on the basis of a ‘red notice’. The United Nations High Commissioner for Refugees, human rights organisations and MEPs issued statements in his defence. On 15 January, 2015, Ketebayev was released pending an extradition trial.



Artur Trofimov – an associate of the Kazakh opposition leader Mukhtar Ablyazov. In 2011, Russia issued an international arrest warrant for Trofimov within the framework of the criminal case against Ablyazov. Under Russian law, international arrest warrants should be annulled at the point when the whereabouts of the subject is determined. [\[16\]](#) The ‘red notice’, however, is still in effect, despite the fact that from 2011 to 2015, Trofimov regularly reported his whereabouts to Russian investigators. On 4 December, 2013, Austria granted

additional protection to Trofimov in accordance with the Law on the Status of Refugees.



Akezhan Kazhegeldin – Kazakh oppositionist, accused of bribery, abuse of office and illegal possession of firearms. On 11 June, 2002, the European Parliament awarded him the ‘Passport of Freedom’ — a badge of honour awarded to persons persecuted for political reasons. Interpol announced the removal of Kazhegeldin’s name from the international wanted list, but in October 2002, due to an appeal filed by Kazakhstan, the ‘red notice’ was reissued.



Natalia Sudliankova – a Belarusian oppositionist, who is accused of misappropriating funds. She was granted political asylum in the Czech Republic in 1999.



Chandima Withana/Chandima Withanaarachchi – a journalist and the editor of a Sri Lankan independent online news portal. He was accused of forgery. He was granted asylum in the UK. The Sri Lankan government has not submitted a request for his extradition.

We should also list separately those individuals whose names do not feature in the public list on the Interpol website; however, according to journalists, **they may still be included in the list of persons wanted on politically motivated charges**. They include: [17]



Akhmed Zakayev – the leader of the unrecognised Chechen Republic of Ichkeria, who was granted political asylum in the UK in 2003. Russia accuses him of terrorism, hostage-taking and banditry.



Dolkun Isa – one of the leaders of the World Uyghur Congress, which fights for the rights of the Uyghur people in East Turkistan (Province of China). He has been charged with terrorism. He has now become a German citizen.



Igor Koktysh – a Belarusian oppositionist; he was granted political asylum in Poland. The authorities accused him of ‘premeditated murder with aggravating circumstances’, which is punishable under Belarusian law by the death penalty.



Dmitry Pimenov – a Belarusian oppositionist who faced charges of disorderly conduct and involvement in vandalism; he was granted the Geneva Passport in Belgium.



Roman Solodchenko – a former business partner of Kazakh oppositionist, Ablyazov. In 2012, he was granted political asylum in Great Britain. In January 2015, he was arrested on the request of Ukraine in connection with the charges of the criminal case against Ablyazov and his associates. The media have published documents proving Kazakhstan’s undue influence on Ukraine with regard to the case of Solodchenko. In particular, Kazakhstan drew up and corrected documents for a Ukrainian investigator, and offered to pay for the services of foreign lawyers to secure Solodchenko’s extradition to Ukraine. [\[18\]](#)



Shahram Homayoun – an Iranian opposition activist. Iranian authorities accuse him of terrorism against the Islamic regime in connection with writing slogans on walls and resistance to the security forces. Due to a ‘red notice’, he cannot leave the United States.



Dodojon Atovulloev – a Tajik opposition politician and journalist, who faced charges of religious extremism and terrorism. He was granted political asylum in Germany in 2001.



Igor Tishkin – formerly a Belarusian judge, charged with abuse of office. He has been granted political asylum in Poland.

It is noteworthy that even judicial decisions, including rulings of the European Court of Human Rights to deny extradition or grant asylum are not considered as an argument for the removal of an individual from the international wanted list. And so, in December 2009, the European Court of Human Rights ruled that the extradition of Igor Koktysh from Ukraine to Belarus would constitute a violation of the European Convention of Human Rights. [\[19\]](#) Nevertheless, he remained on the Interpol wanted list.

4. THE CONVOLUTED AND PROTRACTED PROCEDURE OF FILING AN APPEAL WITH INTERPOL

Interpol General Counsel, Joel Soler, stated that there are **ways to challenge the ‘red notice’**: filing an appeal with the Commission for the Control of Interpol’s Files; cancellation of the request by the requesting State; intervention by Interpol member countries.

The procedure for the consideration of appeals in the Commission for the Control of Interpol’s files is protracted, since sessions of the Commission are held only a few times per annum (at least three times per year). [\[20\]](#). In addition, motions filed with the Commission are rarely successful. ***In most of the successful cases, the removal of illegal, politically-driven requests is promoted by well-known personalities and broad international publicity of the cases.***

At the same time, removal from the Interpol list does not guarantee that authoritarian states will not make attempts to reactivate the ‘red notice’ mechanism. For example, Interpol has twice (on 24 May, 2013 and 26 July, 2013) rejected Russia's politically motivated request to declare wanted a British citizen **William Browder**, the leader of the campaign for justice in the case of Magnitsky. However, in 2014, Russia has not ceased in its attempts to lobby for the placement of Browder on the wanted list. [\[21\]](#), [\[22\]](#)

It should be noted that Interpol continues to pursue people despite decisions of European courts to refuse extradition and grant asylum. ***Interpol removes 'red notices' only after the state closes the criminal case or declares amnesty.*** However, situations in which the states themselves close political cases are uncommon.

The following examples show how difficult it is for victims of political persecution to achieve justice or to prompt an adequate response from Interpol:

A) Removal of illegal requests as a result of individual appeals:



Patricia Poleo – a Venezuelan journalist who enjoys refugee status in the US. It took her 18 months to prove that allegations that she had disclosed secret documents were raised by the government solely because of her professional activities. [\[23\]](#)



Benny Wenda – the leader of the movement for the independence of the Indonesian province of West Papua. The 'red notice', issued on charges of 'crimes against life and health', has been withdrawn as a result of the international publicity surrounding the case and the vigorous activity of the organisation 'Fair Trials International'.



Tatiana Paraskevich – a colleague of Kazakh oppositionist Mukhtar Ablyazov. The Czech Republic granted her international protection and refused to render her to Ukraine or Russia (these countries cooperate with Kazakhstan on the Ablyazov case). Interpol removed Tatiana Paraskevich's personal data following widespread international publicity within six months from the date of the filing of the complaint.

B) Removal of illegal requests as a result of third countries' intervention:



Givi Targamadze – a Georgian politician who was accused of organising mass riots in Russia. A 'diffusion notice' against him was withdrawn in April 2013, following the intervention by Mikhail Saakashvili, the then President of Georgia. [\[24\]](#) Mikhail Saakashvili himself, who has become a freelance adviser to the current President of Ukraine, is currently being threatened by a 'red notice'. Representatives of the EU, the US and NATO have urged Interpol to reject the Georgian request to arrest Saakashvili.



Manuel Zelaya Rosales – former President of Honduras, who was also accused of high treason and abuse of power. The governments of USA and the Organisation of American States recognised the political nature of the charges, which prompted Interpol to refuse to issue a 'red notice'. [\[25\]](#)

C) Removal of illegal requests as a result of amnesty or the withdrawal of charges:



Petr Silaev – a Russian activist, involved in the 'Khimki case', granted asylum in Finland. Despite the testimony of the Russian Ombudsman and the report by Amnesty International, Interpol refused to remove the 'diffusion notice' for

Silaev until Russia announced his amnesty. [26] In a similar manner, requests for the arrests of other Russian activists, Anastasia Rybachenko [27] and Denis Solopov [28], were withdrawn.



Aleksey Makarov – a Russian activist. In 2011, under the influence of the UN High Commissioner for Refugees, Ukraine refused to extradite him to Russia. Makarov was charged with disorderly conduct and membership of extremist groups. He was granted political asylum in Sweden, however, he has subsequently been repeatedly arrested in Germany and even in Sweden. Russia was denied his extradition. [29], [30] The activist was included in the Interpol list until Russia announced his amnesty in late 2013.



Pinar Selek – a political refugee, a Turkish sociologist who explores the Kurdish issue. The authorities accused her of membership of a terrorist organisation. The ‘red notice’ for her was removed from the Interpol website only after a Turkish court dropped the charges, and authorities closed the criminal case. [31].



Bohdan Danylyshyn – former Economic Minister in the government of Yulia Tymoshenko; accused of abuse of power. On 13 January, 2011, the Czech Republic granted him political asylum. Ukraine’s request for his extradition was denied. However, Danilishin was removed from the Interpol list only after the closure of the criminal case in Ukraine.

5. SIGNIFICANT VIOLATIONS OF THE RIGHTS OF WANTED PERSONS

Following the arrest on the request of Interpol and extradition to an authoritarian state, oppressed politicians and activists can face torture and ill-treatment, and even be sentenced to death. For example, **Rasoul Mazrae**, an Iranian opposition activist, was rendered from Syria to Iran, despite the fact that the UN had recognised him as a political refugee. In Iran, Mazrae was tortured and sentenced to death. Human rights activists claim they have no information regarding his execution. [32]

However, the existence of a record about a person on the Interpol wanted list is dangerous not only due to the possibility of the person being extradited. A ‘red notice’ leads to prolonged arrest and significant restrictions on freedom of movement, the opening of bank accounts, loan applications and visa applications etc. Even given their holding of international refugee statuses and judicial decisions refusing to extradite them, **these people have to limit their public activities, as they are at risk of being detained at the border**. Authoritarian states have successfully used these opportunities in order to create serious obstacles to the private and public lives of dissidents.

A) Prolonged detention and litigation:



Alexey Torubarov – a businessman, fighting corruption in Russian law enforcement bodies. He was charged with fraud. Repeatedly detained on Russian requests and spent 4 months in custody in Austria as well as 14 months in the Czech Republic. Austria refused to extradite Torubarov to Russia. During the time when Torubarov’s asylum application was being considered, the Czech Justice Minister Pavel Blazek approved his extradition to Russia. [33] According to Torubarov, in Russia he faced ill-treatment and torture. Shortly afterwards,

he was released and placed under house arrest, before fleeing to Hungary, where he now participates in litigation connected with obtaining asylum.



Nikolay Koblyakov – a Russian businessman and opposition activist, having French citizenship; accused of corruption. He spent three months in prison, until a Bulgarian Court ruled not to extradite him to Russia due to the threats of an unfair trial, torture and persecution for his political and civil activities. [\[34\]](#)



Aydin Korkmaz – a member of the Kurdistan Workers' Party, from June to August 2014 he was held in custody in Italy, until he was released following a court order. Despite the fact that Korkmaz has been granted refugee status in France, Turkey filed a request for his arrest with Interpol, accusing the oppositionist of terrorist activities.



Alexandr Pavlov – former bodyguard of opposition politician Mukhtar Ablyazov. Kazakhstan declared him wanted through Interpol on charges of terrorism and embezzlement of entrusted property. After his arrest, Pavlov spent 18 months in a Spanish prison until on 31 July, 2014, he was released on bail. A Spanish Court found the refusal to grant political asylum to Pavlov unreasonable and decided to refer the case for reconsideration. The final decision on Pavlov will be issued by the Spanish government. Documents published in the media raised suspicion that the Kazakh authorities could have affected the previous ruling of Spanish justice in the case of Pavlov (lawyers working for Kazakhstan knew in advance the decisions and positions of judges prior to their announcement). [\[35\]](#) The case of Judge Alfonso Guevara, who was trying to carry out Pavlov's extradition, although consideration of his asylum application was ongoing, was widely publicised. Kazakh Ambassador Guevara reported to the judge that a plane was already waiting for Pavlov. Disciplinary proceedings against the judge were closed. [\[36\]](#) Human rights organisations, representatives of the UN, OSCE and the European Parliament have repeatedly called on Spain to deny the request for Pavlov's extradition to Kazakhstan.

In February 2008, **Ilya Katsnelson** was arrested in Germany and spent 50 days in custody. Germany and Denmark reviewed his case and refused to extradite him to Russia. Following his release, Germany provided him with a 3 vehicle escort in order to ensure his safety during his transfer to the Danish border. [\[37\]](#) **Igor Koktysh** was arrested twice: in Ukraine and Germany, **Akhmed Zakayev** - three times: in Denmark, Great Britain and Poland.

B) Restriction of the freedom of movement:

Benny Wenda was unable to leave Great Britain until a 'red notice' had been removed. Due to the risk of his arrest, he was only able to take part in a conference in the Australian Parliament via the Internet. [\[38\]](#) **William Browder** was also forced to cancel his trip to a seminar in Germany until such time that he was able to make sure that he wouldn't be arrested at the border [\[39\]](#).

Ablyazov's colleague, **Tatiana Paraskevich**, not only spent nearly two years in custody, but was also deprived of an opportunity to travel abroad and obtain a work permit. Despite her having international protection and a residence permit in the Czech Republic, she remained on the Interpol list and in the Schengen Information System as an 'undesirable alien'. The Interpol request also created obstacles for

relatives of Paraskevich. Due to the request, relatives of Tatiana Paraskevich and Nikolay Koblyakov have encountered problems whilst trying to obtain visas.

Former Kazakh Mayor and Minister **Viktor Khrapunov**, his wife (a journalist and former official) **Leila Khrapunova** and their son **Ilias** reside in Switzerland and are critical of Nazarbayev's regime. Their freedom of movement is limited, as they appear on the Interpol list due to charges of money laundering and establishing a criminal group. [40] According to the Kazakh authorities, Ilias headed a criminal group in Kazakhstan in 1997, when he was 14 years old and he was a student of a Swiss school. On 19 June, 2014, Switzerland, for the second time, refused to extradite Viktor Khrapunov to Kazakhstan, citing the risks of torture and an unfair trial. [41].

C) Oppression of EU citizens and family members of the wanted persons

The cases of Nikolay Koblyakov, William Browder and Eerik Kross confirm that EU citizens who oppose authoritarian regimes, may also be subjected to oppression. However, they cannot protect themselves with refugee status, as they are not citizens of the authoritarian state which persecutes them.

Even family members of those wanted can become victims of the misuse of Interpol. The illegal detention and transfer to Kazakhstan of **Alma Shalabayeva** and **Alua Ablyazova**, the wife and 6-year-old daughter of the opposition leader Mukhtar Ablyazov, caused an international scandal and provoked a government crisis in Italy. On 31 May, 2013, the Kazakh Bureau of Interpol sent to its Italian colleagues data regarding the arrest of Mukhtar Ablyazov. Additionally, Kazakhstan requested the deportation of Alma Shalabayeva based on the false allegation that she was residing in Italy on the basis of forged documents. Due to the intervention of human rights organisations, the UN and the European Parliament, on 24 December, 2013, Kazakh authorities allowed Alma Shalabayeva and her daughter to leave the territory of Kazakhstan. Italy has now granted them refugee status.

It is also through Interpol that the Kazakh authorities pursue the brother of Alma Shalabayeva, **Syrym Shalabayev** who is included in the non-public part of the wanted list. Mrs. Shalabayeva noted that her family has been prosecuted for political reasons due to kinship with Mukhtar Ablyazov. Some relatives of Ablyazov do not conduct public activities for fear of persecution of their families in Kazakhstan. Due to her active participation in the campaign to defend her husband, Alma Shalabayeva received threats from the Kazakh authorities regarding her other brother, Salim Shalabayev, and his placement on the Interpol list. British, Latvian and Polish law enforcement agencies were informed of repeated incidences of shadowing with regard to both Salim and his family. The US granted political asylum to Ablyazov's sister, Gaukhar Kussainova, while Lithuania provided shelter to Ablyazov's uncle, Kuanysh Nurgazin.

6. INTERNATIONAL CRITICISM OF INTERPOL MECHANISMS

- **Members of the European Parliament** pointed out that many of the activists have been granted political asylum in the EU, however, they are still wanted by Interpol, and as a result, they are forced to limit their travel. [42] On 26 November, 2013, a number of MPs called on the European Commission to encourage Interpol ***to recognise refugee statuses in the EU countries as bases for the removal of information about wanted persons from the database.*** MPs justified their appeal not only with the protection of human rights, but also rational expediency in order to protect EU Member States from expending funds on detaining and trying individuals who shall not be extradited due to the political motives underlying their prosecutions. [43]
- **The OSCE Parliamentary Assembly** expressed its regret over the fact that some OSCE participating States continue to misuse the Interpol system. In the Istanbul Declaration (29 June, 2013-3 July, 2013) and Baku Declaration (28 June, 2014-2 July, 2014) parliamentarians urged the member countries to

promote the reform of Interpol in order to avoid the politically motivated use of ‘red notices’, which are exploited by some states in order to persecute political opponents. [44], [45]

- During a meeting in Strasbourg, between 23 and 27 June, 2014, **the Parliamentary Assembly of the Council of Europe** decided to continue with the study of the problem of Interpol misuse and present its conclusions and recommendations in the form of a report. [46] On 2 July, 2014, 20 PACE members signed a proposal for a resolution on the need to reform Interpol: *“Interpol’s current structure and tools to prevent the politically aimed misuse of its system have proven insufficient and lacking in transparency”*. [47]

On 31 January, 2014, in its resolution, **PACE** recognised that international organisations are subjects of obligations to respect human rights in accordance with international law and should be held responsible for these violations. **The resolution criticises the work of the Commission for the Control of Interpol’s files:** *“However, there are concerns as to whether the remedy offered by the Commission meets standards of due process appropriate to the impact on affected individuals, as its procedures are not adversarial, it does not issue reasoned decisions and it cannot issue binding remedies”*. [48], [49]

- As early as in 2008, the **UN High Commissioner for Refugees** pointed to the problem of arrests of refugees: *“UNHCR is also confronted by situations whereby refugees recognised under the 1951 Refugee Convention, when travelling outside their country of asylum, holding travel documents issued under the terms of the Refugee Convention, are apprehended or detained, due to politically-motivated requests made by their countries of origin which are abusing Interpol’s ‘red notice system”*. [50] In this statement, the High Commissioner also called on the States to prevent cases where refugees or asylum seekers are charged following false accusations of terrorism. **The UN Representative stated that the fight against terrorism must not undermine the principles of international law which deals with the protection of refugees.**

Using the broad international campaign against terrorism, authoritarian states often place the stigma of terrorism on political opponents and refugees. For example, against Kazakh oppositionists Mukhtar Ablyazov and Muratbek Ketebayev, who have been declared wanted internationally, their mother country brought additional charges of conspiring to commit a terrorist act. A number of political refugees or persons against whom charges have been recognised as politically motivated, including Arbi Bugaev, Akhmed Zakayev, Dolkun Isa, Shahram Humayun, Dododzhon Atovulloyev, Alexander Pavlov, Pinar Selek and Aydin Korkmaz remain on the Interpol list in connection with terrorism charges.

7. CONCLUSIONS AND RECOMMENDATIONS

The contradiction between the international standards and particularities of the activities of authoritarian regimes leads to the point where democracies themselves help to chase opposition activists. This report mentioned 44 high-profile political cases which have passed through the Interpol system. Of these, 18 cases of political persecution originated in Russia, 10 - in Kazakhstan, 5 - in Belarus, 2 – in Iran, 2 – in Turkey.

Articles 130 and 131 of the Rules of Interpol on data processing provide for limitations on the use of databases or the suspension of access to databases for those members who do not fulfill their obligations within the organisation. [51] No cases of application of this provision are known. Russia, Belarus and Kazakhstan continue to be the ‘leaders’ among violators of the Interpol system, yet are still to face any consequences. At the same time, Interpol believes that requests from democratic and non-democratic countries deserve equal respect and trust. [52], [53]

Interpol’s rules define a methodology of verification as to whether requests contain a political component; yet, they do not prescribe general principles and criteria of assessment, based on which Interpol issues decisions in each case. This leads to a situation where refugees who are facing charges

criminal in form, but political in nature and context, are placed on the list of Interpol. Accusations of terrorism should also be carefully analysed, especially if they relate to refugees or asylum seekers.

In addition, the rules of Interpol should prescribe the means of conducting cases where criminal offences are committed as a result of political decisions (as was the case during the events surrounding the Euromaidan in Ukraine). For example, in March 2014, Interpol refused to declare wanted former Ukrainian President Yanukovich, labelling the charges against him 'political'. Interpol granted only the second request, in which Yanukovich was charged solely with financial crimes.

In this connection, the development of comments on article 3 of the Interpol Constitution should be carried out urgently in order to specify and detail the provisions of this article and thus, prevent its selective or arbitrary interpretation. Adoption of this document in cooperation with the UN, OSCE and PACE in the form of a resolution with references to the examples of high-profile cases is also an option.

On the one hand, Interpol's internal oversight mechanisms are inappropriate; on the other hand, the actions of Interpol do not fall under the jurisdiction of any court. Therefore, numerous violations of the principle of neutrality affect the reputation of Interpol and contravene the recommendations of PACE on the responsibility of the international organisation in terms of human rights violations.

The reform of Interpol is possible upon the consent of the Interpol General Assembly, where each member state has one vote. Decisions on the activities of the organisation are adopted by a simple majority vote. The introduction of amendments to the Constitution of the organisation requires a two-third majority of the General Assembly. Each Member State may initiate the consideration of any issue before the Interpol General Assembly.

The Open Dialog Foundation hereby suggests that the following proposals be considered in respect to the reform of Interpol:

- International refugee status (status of international protection) should exempt a wanted person from arrest in regard to any request filed by a State from which he or she has fled. In particular, a person who has been granted international protection in an EU state should not be subjected to arrest in another EU member state.
- 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 State, because of the actions of which he or she has been granted refugee status.
- The granting of refugee status due to persecution suffered in a state which initiates the pursuit of the individual via Interpol, as well as a court decision to refuse extradition on the basis of this status, should form the grounds for the immediate removal of a 'red notice' or 'diffusion notice' from all databases of the Interpol Member States and the issuance of a document confirming this fact.
- In cases where a person has been excluded from the Interpol list based on the presence of international refugee status or a court decision to refuse extradition on the basis of the status, the said person cannot be re-included in the Interpol list on the request of the State with regard to which he has been granted international refugee status.
- Official statements issued by UN agencies, including the UN Agency for Refugees (UNHCR), should constitute the basis for the revision of a 'red notice' or 'diffusion notice'.
- We suggest that Interpol, in collaboration with Transparency International, the World Economic Forum, Freedom House, and other organisations, create a trust rating in law enforcement and judicial systems of the Member States and take into account the rating when verifying requests to determine whether they are of a political nature. In particular, requests from States that have previously abused the Interpol system repeatedly and which rank low in the said rating, should be subjected to thorough screening. This rating will be reflected not only in the countries' international image, but

also in their influence on the Interpol system, which will cause the authoritarian regimes to genuinely improve their human rights situation. The implementation of these measures will serve to show that Interpol has agreed to carry out comprehensive reform and revision of the principle of equality of all member states.

- The provisions regarding sanctions for violators of the Interpol rules must be implemented strictly.
- The Commission for the Control of Interpol's files should involve experts in international law on asylum and extradition in its work. We believe that the Commission should be more open and swift in its activities and should cooperate with international human rights organisations. The Commission's decisions regarding incoming complaints should be issued with a justification within the prescribed time limit. It is advisable to consider the possibility of appealing against the decisions of the Commission in court and to determine the jurisdiction of the court which would be granted such powers.
- We hereby call on the European Parliament and the European Commission to formulate a rule providing that a person who has been granted international refugee status should not be subjected to arrest and extradition on the territory of the EU on the request of the State with regard to which he or she was granted refugee status.
- In 2014, the largest number of contributions to the budget of Interpol was made by democracies, such as the United States, Japan, Germany, Britain, France, Italy, Canada, Spain, the Netherlands and Switzerland. In order to comply with international agreements on human rights, we hereby urge the governments of these, and other democratic states, to support the reform of Interpol and to file appropriate recommendations for consideration by the General Assembly of Interpol.

You are welcome to support our appeals by sending your statement to the following persons and institutions:

- Secretary General of the International Criminal Police Organisation 'Interpol', Jurgen Stoke - General Secretariat 200, quai Charles de Gaulle, 69006 Lyon, France. Fax: +33 (0)4 72 44 71 63;
- Mark Neville, Head of the Private Office of the President of the PACE – tel.: +33 88 41 23 41, email: mark.neville@coe.int;
- The OSCE Secretariat - Wallnerstrasse 6, 1010 Vienna, Austria. Tel.: +43 1 514 360, fax: +43 1 514 36 6996, e-mail: pm@osce.org;
- High Representative of the Union for Foreign Affairs and Security Policy Federica Mogherini - 1049 Brussels, Rue de la Loi / Wetstraat 200. Tel.: +32 2 584 11 11; [+32 \(0\) 2 295 71 69](tel:+3222957169);
- President of the European Parliament Martin Schulz - Rue Wiertz 60, 1047 Bruxelles, Belgique. Tel. +32 (0)2 28 40 737, +32(0)2 28 42 111. E-mail of the Head of Cabinet, Markus Winkler: markus.winkler@europarl.europa.eu; a blank for appeals: <http://www.europarl.europa.eu/the-president/en/president/html/contact>;
- Chairman of the European Parliament Committee on Foreign Affairs, Elmar Brok - Rue Wiertz 60, 1047 Bruxelles, Belgique. Tel.: +32 2 28 49013 (Brussels), +33 76 902 3881 (Strasbourg);
- Chairman of the European Parliament Subcommittee on Human Rights, Elena Valenciano - Rue Wiertz / Wiertzstraat 60, B-1047 Bruxelles. Tel. : +32 (0) 2 28 45846;
- European Commissioner for Migration, Internal Affairs and Citizenship, Dimitris Avramopoulos - Rue de la Loi / Wetstraat 200, 1049 Brussels. E-mail: Dimitris.AVRAMOPOULOS@ec.europa.eu;
- European Union Ombudsperson, Emily O'Reilly - F-67001, Strasbourg, avenue du Président Robert Schuman, 1. Tel.: +33 3 88 17 23 13;
- UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein - Palais des Nations, CH-1211 Geneva 10, Switzerland. Tel.: + 41 22 917 9220, e-mail: InfoDesk@ohchr.org;
- United Nations High Commissioner for Refugees, Antonio Guterres - Case Postale 2500, CH-1211 Genève 2 Dépôt, Suisse. Tel.: +41 22 739 8111, Fax: +41 22 739 7377. Application form: http://www.unhcr.org/cgi-bin/texis/vtx/contact_hq;
- ODIHR Director, George Michael Linke - Ul. Miodowa 10, 00-251 Warsaw, Poland, Office. Tel.: +48 22 520 06 00, fax: +48 22 520 06 05, e-mail: office@odhr.pl.

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The Open Dialog Foundation was established in Poland, in 2009, on the initiative of Lyudmyla Kozlovska (who is currently the President of the Management Board). The statutory objectives of the Foundation include protection of human rights, democracy and rule of law in the post-Soviet area. Particular attention of the Foundation is focused on the largest CIS countries: Russia, Ukraine and Kazakhstan.

The Foundation pursues its goals through the organisation of observation missions, including election observation and monitoring of the human rights situation in the CIS countries. Based on these activities, the Foundation creates its reports and distributes them among the institutions of the EU, the OSCE and other international organisations, foreign ministries and parliaments of EU countries, analytical centres and media.

In addition to observational and analytical activities, the Foundation is actively engaged in cooperation with members of parliaments involved in foreign affairs, human rights and relationships with the CIS countries, in order to support the process of democratisation and liberalisation of internal policies in the post-Soviet area. Significant areas of the Foundation's activities also include support programmes for political prisoners and refugees.

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The cover photos depicts (from left to right): Ilya Katsnelson, Nikolay Koblyakov, Pinar Selek, Mukhtar Ablyazov, Peter Silaev, Andrey Borodin, Natalia Sudlenkova, Muratbek Ketebayev, Chandima Withana.

Sources of photos on the cover: Ilya Katsnelson on youtube.com, Nikolay Koblyakov's page on Facebook, zagranburo.info, pen-international.org, dat.org.kz, fairtrials.org, ria.ru, parlamentnilisty.cz, socialismkz.info, sunandadeshapriya.wordpress.com.

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