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Key Goals for the United States at the 2018 Meeting of the Interpol General Assembly

Ted R. Bromund, PhD

The 87th annual meeting of the Interpol General Assembly will be held from November 18–21 in Dubai. Interpol, an international organization of police and law enforcement organizations, has in recent years been heavily criticized for failing to meet its constitutional requirement to focus exclusively on ordinary crime and avoid becoming an instrument of political oppression in the hands of autocratic regimes.

The U.S. has not devised an effective strategy to resist and roll back the politicization of Interpol. The Trump Administration should take this opportunity to develop and implement such a strategy, which must include replacing the ousted President of Interpol, Meng Hongwei of the People's Republic of China (PRC), with a representative from a democracy. Absent U.S. action, Interpol, which is heavily used by U.S. law enforcement, will continue to lose credibility in ways that will damage both the institution itself and the interests of the U.S.

What Interpol Is and What It Is Not

Media portrayals of Interpol often show an international police force, with armed agents around the world pursuing and arresting criminals. Such portrayals are entirely incorrect. Interpol is bet-

ter understood as a sophisticated bulletin board on which its member nations can post “wanted” notices and other information. At the request of a member nation, Interpol can issue a Red Notice, which notifies other member nations that an individual is wanted by the nation that made the request. Interpol can only issue Red Notices that have no political, military, religious, or racial character: Like all of Interpol’s activities, Red Notices can only concern ordinary crimes, such as murder or robbery.¹

The Politicization of Interpol

In 2017, Interpol issued 13,048 Red Notices. It also transmitted an unknown but substantial number of diffusions, which can contain the same information as Red Notices: In 2015 (the last year for which data is available), Interpol transmitted 22,753 diffusions. While most of these Notices and diffusions attract no controversy, the past decade has seen a dramatic rise in concern that autocratic regimes, such as Russia and Iran, are using Interpol to harass their political opponents. In March 2017, a report from the Parliamentary Assembly of the Council of Europe found that “Red Notices can cause serious human rights violations when they are abused...by oppressive regimes in order to persecute their opponents even beyond their borders.”²

Concerns for the U.S. to Address at the Interpol General Assembly Meeting

The General Assembly is Interpol’s supreme authority. Like the U.N. General Assembly, it operates on a “one-nation, one-vote” rule, although—unlike the U.N.—Interpol has no equivalent of the Security Council. In practice, however, Interpol has

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The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(202) 546-4400 | heritage.org

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since its re-founding after World War II been dominated by France, the U.K., and the U.S. This dominance is fading and, as it fades, Interpol is being politicized. At the General Assembly meeting, the U.S. and other democracies can challenge the rise of the autocrats in eight ways.

1. Interpol's Presidency. In early October 2018, Meng Hongwei, China's Vice-Minister of Public Security, disappeared while on a visit to the PRC. After being arrested for corruption, he—or someone acting for him—resigned his position at Interpol, which has been temporarily assumed by Interpol's Senior Vice-President, Kim Jong Yang of South Korea. In Dubai, the General Assembly will have to elect a new President. The U.S. should cooperate with other democracies to support a candidate from a democratic nation, and this democratic caucus should make it clear to other Interpol members that failure to support the democratic candidate will only exacerbate the crisis of Interpol's leadership.

2. Interpol's Executive Committee. The Committee is composed of four Vice-Presidents and eight Delegates, all from different countries and representing Interpol's four regions of Africa, the Americas, Asia, and Europe. In 2018, the General Assembly will be electing a new Asian Vice-President, two Delegates from the Americas, one from Asia, one from Africa, and one from Europe. Of the five Delegates rotating off the Committee, four are from democratic or law-abiding nations (the U.S., Canada, Belgium, and Singapore)—and South Korea's Kim must also be replaced. The remaining six seats are held by three non-democracies (Russia, Algeria, and Moldova) and three weak or corrupt democracies (Brazil, Nigeria, and South Africa). All departing Delegates must be replaced

by representatives of democratic nations, to be selected and backed by the democratic caucus.

3. Interpol's Funding. Interpol states that its “principal source of funding is the annual statutory contribution” provided by each of its 190-member nations. That is not, strictly speaking, true. Statutory contributions are Interpol's largest single source of funding, but Interpol received 54.4 million euros in statutory contributions in 2017, and a combined 69.9 million euros from other sources. Among these other sources is the Interpol Foundation for a Safer World, which Interpol describes as “the rallying point for likeminded organizations and persons to unite with INTERPOL.”³

In reality, the Foundation is a conduit for gifts from the United Arab Emirates, totaling 50 million euros from 2016 to 2020.⁴ It is likely no coincidence that the General Assembly is meeting in Dubai in 2018. Funding sources like this reduce the ability of Interpol's member nations to control it, poses a risk that Interpol will become enmeshed in corrupt activity, and creates the possibility of improper external influence on Interpol's activities. The U.S. should press for:

- Full and public transparency on all sources of past and present Interpol income,
- Interpol's exclusive future reliance on national contributions, and
- A reduction in peripheral activities sufficient to allow Interpol to live within its nationally provided means.

4. Candidate Nations. In 2017, Interpol admitted the Solomon Islands and—foolishly—the Pales-

1. This summary of Interpol's activities is heavily abbreviated. For a more complete picture, see Ted R. Bromund and David Kopel, “Necessary Reforms Can Keep Interpol Working in the U.S. Interest,” Heritage Foundation *Background* No. 2861, December 11, 2013, <http://www.heritage.org/global-politics/report/necessary-reforms-can-keep-interpol-working-the-us-interest>.

2. Bernd Fabritius, Rapporteur of the Parliamentary Assembly of the Council of Europe, “Abusive Use of the Interpol System: The Need for More Stringent Legal Safeguards,” March 29, 2017, <http://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewPDF.asp?FileID=23524&lang=en> (accessed September 14, 2017).

3. Interpol, “Funding: Foundation for a Safer World,” <https://www.interpol.int/About-INTERPOL/Funding/Foundation-for-a-Safer-World> (accessed October 28, 2018).

4. News Release, “UAE Pledges EUR 50 million to Support Seven Key Interpol Projects,” Interpol, March 27, 2017, <https://www.interpol.int/en/News-and-media/News/2017/N2017-038/> (accessed October 26, 2018).

tinian Authority. In 2018, Kosovo will seek membership and Taiwan will seek observer status. Only those nations that can live up to the requirements of Interpol membership in practice should be admitted to it. If Kosovo does not currently meet those requirements, the U.S. should continue to work with it to improve its law enforcement and judicial systems. In 2016, the U.S. passed a law requiring the State Department to develop a strategy to obtain observer status for Taiwan.⁵ The U.S. should support Taiwan's full membership in Interpol. Taiwan, however, has reportedly been notified by Interpol that its request to attend the meeting as an observer has been denied.⁶ This wrong and peremptory decision further highlights the need for U.S. leadership in Interpol. In Dubai, the U.S. should request a General Assembly vote on whether Taiwan should receive observer status. The U.S. will likely lose this vote, but the request will demonstrate that the issue is too important to be left to the Executive Committee.

5. Politicized Red Notices. Interpol's member nations are responsible for not making politicized requests. Interpol cannot prevent autocratic nations from making requests for politicized Red Notices—it can only refuse to issue them. Interpol's rules make it clear that, if a nation persistently makes requests that seek to break those rules, its access to Interpol's systems can be suspended.⁷ Unless nations face consequences for abusing the privileges of belonging, it will ultimately be impossible to protect Interpol from exploitation.

The U.S. should work in advance with democratic nations to propose a General Assembly resolution affirming that Interpol has the power and

the responsibility to suspend abusive nations, and directing Interpol's General Secretariat to carry out a factual study (to be published at the 2019 General Assembly meeting) on which nations have submitted the most requests, and the highest proportion of requests, that it rejected as abusive.

6. Mass Requests. In 2016, in an abusive effort of unprecedented scale, Turkey sought Interpol action against 60,000 people on the grounds that they were members of the so-called Fethullahist Terrorist Organization, which the Turkish regime alleges was behind the failed July 2016 coup attempt against Recep Erdogan.⁸ The U.S. should work in advance with democratic nations to propose a General Assembly resolution directing the General Secretariat to develop criteria for defining mass requests and for rejecting them as inherently politicized. These criteria should be published prior to the General Assembly meeting in 2019, and voted on at that meeting.

7. Shedding Light on the Commission for the Control of Files (CCF). The CCF is a quasi-appellate body responsible for ensuring that Interpol's activities comply with its rules. Under the leadership of Interpol Secretary General Jürgen Stock, Interpol has made significant and constructive reforms to the CCF's rules and structure.⁹ But data from the CCF concerning its operations and decisions, while improving, are still insufficient. The U.S. should work in advance with democratic nations to propose a General Assembly resolution commending the CCF for the improvements it has made, while requiring it to publish:

- Decision excerpts so as to create case law on which attorneys and other experts can rely;

5. Wendy Zeldin, "Taiwan/United States: Support for Taiwan's Interpol Participation," *Global Legal Monitor*, May 6, 2016, <http://www.loc.gov/law/foreign-news/article/taiwanunited-states-support-for-taiwans-interpol-participation/> (accessed September 20, 2017).

6. "Taiwan Blames 'Arrogant' China Over Interpol Snub," *Channel NewsAsia*, October 19, 2018, <https://www.channelnewsasia.com/news/asia/taiwan-blames-arrogant-china-over-interpol-snub-10844672> (accessed October 29, 2018).

7. "Interpol, *Rules on the Processing of Data*, "Article 123: Evaluation of National Entities," 2016, <https://www.interpol.int/content/download/13042/90082/version/37/file/OLA%20RPD%20UPDATE-EN-11%2016%20.pdf> (accessed September 14, 2017). See also, *Rules on the Processing of Data*, "Article 131(1)(c): Corrective Measures Applicable to National Central Bureaus and International Entities."

8. Ted R. Bromund, "Do You Want Your Voice in Interpol's Database?" *Forbes*, June 13, 2018, <https://www.forbes.com/sites/tedbromund/2018/06/13/do-you-want-your-voice-in-interpol-s-database/#73aae3c26f03> (accessed October 29, 2018).

9. Yuriy L. Nemets, "Due Process and the Presumption of Innocence in the Interpretation and Enforcement of Interpol's Rules," March 6, 2017, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2928438 (accessed September 15, 2017).

- Such excerpts in a timely, reliable, and regular manner;¹⁰ and
- Annual reports containing full and standardized information on the requests received, the actions taken, and the nations involved.

8. Build Consensus with and Support Action by Like-Minded States. The General Assembly's decision to admit the Palestinian Authority, like its decision to elect a Chinese secret policeman as its president, was a worrying sign that the dominance of the democracies in Interpol is fading. But the democracies still provide the overwhelming majority of Interpol's statutory and voluntary funding. While this funding weapon is weaker than it once was, it remains the most effective method that the U.S. and like-minded nations can use to advance a reform agenda. The U.S. should rally as many democratic nations as possible—starting with the coalition that opposed the admission of the Palestinian Authority—to support an annual resolution expelling the Authority, and to support a wider agenda to ensure that Interpol is not manipulated by authoritarian states.

What the U.S. Should Do

The U.S. cannot resist and roll back the politicization of Interpol solely through actions in Interpol's General Assembly. It should also take steps at the national level to reform how it manages its

relations with Interpol, to hold hearings into abuses directly and indirectly associated with Interpol, to change Interpol's legal immunities as an international organization, and to prevent the Palestinian Authority and other autocracies from misusing Interpol without a U.S. challenge. The U.S. should also work with other select democracies to create a white list of victims of Interpol abuse, in order to shield them from the ongoing consequences of this abuse.¹¹

Finally, the U.S. should take immediate action to end the scandalous practice whereby the Department of Homeland Security uses Red Notices from authoritarian nations such as Russia to justify the imprisonment of exiles in the U.S. on the false grounds that the Notices are proof that these individuals pose a danger to the public, a practice that began as early as June 2015.¹² Removing foreign fugitives is a proper and necessary function of law enforcement, but the U.S. should not rely on autocratic leaders to identify fugitives. This practice is unjust and it makes the U.S. directly complicit in the authoritarian abuse of Interpol, which it should be U.S. policy to oppose at and after the 2018 General Assembly meeting.

—*Ted R. Bromund, PhD, is Senior Research Fellow in Anglo-American Relations in the Margaret Thatcher Center for Freedom, of the Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy, at The Heritage Foundation.*

10. Michelle Estlund, "Interpol's CCF to Begin Publication of Decisions," *Red Notice Law Journal*, April 7, 2017, <http://www.rednoticelawjournal.com/2017/04/interpol-ccf-to-begin-publication-of-decisions-part-2-of-rnljs-new-rules-series/> (accessed September 14, 2017).

11. Ted R. Bromund, "How the United States Should Respond to Palestinian Membership in Interpol," May 1, 2018, Heritage Foundation *Backgrounder* No. 3307, <https://www.heritage.org/global-politics/report/how-the-united-states-should-respond-palestinian-membership-interpol>.

12. U.S. Immigration and Customs Enforcement, "Project Red," <https://www.ice.gov/features/project-red> (accessed October 29, 2018). See also, Natasha Bertrand, "How Russia Persecutes Its Dissidents Using U.S. Courts," *The Atlantic*, July 30, 2018, <https://www.theatlantic.com/politics/archive/2018/07/how-russia-persecutes-its-dissidents-using-us-courts/566309/> (accessed October 29, 2018).